



DERICHEBOURG RECYCLING USA  
7501 Wallisville Road  
Houston, Texas 77020  
Phone: 713-675-2281  
Fax: 713-675-2285

April 24, 2022

**To United States:**

[Eescdcopy.enrd@usdoj.gov](mailto:Eescdcopy.enrd@usdoj.gov)  
Re: DOJ No. 90-5-2-1-12352

and

EES Case Management Unit  
Environment and Natural Resources Division  
U.S. Department of Justice  
P.O. Box 7611  
Washington, D.C. 20044-7611

**To U.S. EPA:**

Air Enforcement and Compliance Assurance Branch  
U.S. EPA, Region 5  
[r5airenforcement@epa.gov](mailto:r5airenforcement@epa.gov)

and

Natalie Topinka  
Environmental Scientist  
Enforcement and Compliance Assurance Division  
U.S. EPA, Region 5  
[topinka.natalie@epa.gov](mailto:topinka.natalie@epa.gov)

SUBJECT: Refrigerant Recovery Management Program  
Derichebourg Recycling USA Facilities  
Civil Action No. 22-cv-00060  
U.S. District for the Southern District of Texas, Houston Division  
DOJ No. 90-5-2-1-12352

Ladies and Gentlemen:

The Consent Decree resulting from Civil Action No. 22-cv-00060 requires submittal of the enclosed Refrigerant Recovery Management Plan. The Plan addresses recovery and management of regulated scrap received at Derichebourg Recycling USA's (Derichebourg's) facilities.

The Plan addresses requirements in Paragraphs 5 and 11 – 26 of the Consent Decree. The effective date of the Decree is March 24, 2022. This Plan is required to be submitted within 30 of the effective date of the Decree.

If you have any questions, please do not hesitate to contact Zachary Emmons at [zachary.emmons@derichebourg.com](mailto:zachary.emmons@derichebourg.com) or at (713) 875-7691.

Sincerely,



Zachary Emmons (Apr 20, 2022 14:59 CDT)

Zachary Emmons,  
Environmental, Health, Safety, and Security Manager  
Derichebourg Recycling USA

Enclosure: Refrigerant Recovery Management Program

cc: U.S. DOJ, EES Case Management Unit, Environment and Natural Resources Div.  
Zachary Emmons, Derichebourg Recycling USA  
Mark Dobson, DNA Geosciences, Inc.

ec: Philippe Leonard, Derichebourg Recycling USA, [philippe.leonard@derichebourg.com](mailto:philippe.leonard@derichebourg.com)  
Mark Huvard; Harberg, Huvard, Jacobs & Wadler, LLP, [huvard@hhjwlaw.com](mailto:huvard@hhjwlaw.com)  
Suzanne Wilson, King & Spalding LLP, [SWilson@KSLAW.com](mailto:SWilson@KSLAW.com)  
Mark Dobson, DNA Geosciences, Inc., [mdobson@dnageo.com](mailto:mdobson@dnageo.com)



## **DERICHEBOURG**

**DERICHEBOURG RECYCLING USA**  
**7501 Wallisville Road**  
**Houston, Texas 77020**  
**Phone: 713-675-2281**  
**Fax: 713-675-2285**

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I have no personal knowledge that the information submitted is other than true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Zachary Emmons (Apr 20, 2022 14:59 CDT)

Zachary Emmons  
Environmental, Health, Safety and Security Manager  
Derichebourg Recycling USA

April 24, 2022

Date



## **Refrigerant Recovery Management Program**

*Prepared for*

**U.S. Department of Justice  
DOJ No. 90-5-2-1-12352**

**and**

**U.S. Environmental Protection Agency  
Region 5**

*Prepared by*

**Derichebourg Recycling USA  
7501 Wallisville Road  
Houston, Texas 77020**

**April 24, 2022**  
**DNA Project No. 22-102**

## TABLE OF CONTENTS

	<u>Page</u>
<b>1.0 INTRODUCTION.....</b>	<b>1</b>
<b>2.0 DEFINITIONS.....</b>	<b>3</b>
<b>3.0 DERICHEBOURG POLICIES AND ORGANIZATIONAL STRUCTURE .....</b>	<b>8</b>
3.1 CORPORATE POLICY OF COMPLIANCE.....	8
3.2 APPLICABILITY .....	8
<b>4.0 CONSENT DECREE DISTRIBUTION (PARAGRAPH 5).....</b>	<b>10</b>
4.1 DERICHEBOURG EMPLOYEES .....	10
4.2 CONTRACTORS.....	10
<b>5.0 OVERVIEW OF REFRIGERANT RECOVERY MANAGEMENT PROGRAM.....</b>	<b>13</b>
5.1 DEVELOPMENT OF THE RRMP .....	13
5.2 ELEMENTS OF THE RRMP.....	13
5.3 ROLES AND RESPONSIBILITIES .....	13
<b>6.0 PARTNERING WITH QC SUPPLIERS .....</b>	<b>16</b>
<b>7.0 SCRAP RECEIVING AND INSPECTION (PARAGRAPHS 13 AND 16 – 20) .....</b>	<b>17</b>
7.1 OVERVIEW OF SOP AND FORMS.....	17
7.2 SOP R: MANAGEMENT OF EPA-REGULATED SCRAP .....	18
<b>8.0 REFRIGERANT RECOVERY.....</b>	<b>27</b>
8.1 REFRIGERANT RECOVERY CAPABILITY (PARAGRAPHS 12 AND 15).....	27
8.2 IN-HOUSE CAPABILITIES .....	27
8.3 THIRD PARTY CONTRACTOR.....	28
<b>9.0 EMPLOYEE TRAINING (PARAGRAPHS 22 – 24) .....</b>	<b>29</b>
<b>10.0 RECORD KEEPING.....</b>	<b>31</b>
<b>11.0 COMPLIANCE OVERSIGHT .....</b>	<b>33</b>
11.1 COMPLIANCE MONITORING.....	33
11.2 RRMP REVIEW AND REVISION .....	34
<b>12.0 REFERENCES.....</b>	<b>35</b>

**FIGURES**  
**(Following Text)**

Figure 1 – Derichebourg Organizational Chart, Houston Area Facilities

Figure 2 – Derichebourg Organizational Chart, Oklahoma Facilities

**ATTACHMENTS**

**Attachment**

U.S. EPA Applicability Determination # 57 .....	1
Notice to QC Suppliers / Qualifying Contract.....	2
Consent Decree Distribution to Employees and Agents .....	3
Rapid Recovery® Contract .....	4
SOP R: Management of Refrigerants and EPA-Related Scrap .....	5
Form: Scale Ticket.....	6
Form: EPA-Regulated Scrap Inspection Checklist .....	7
Form: Signed Statement, Non-QC Suppliers.....	8
Form: Notice to Non-QC Supplier.....	9
Form: Post-Inspection Refrigerant Discovery Form.....	10
Form: Daily Incident Summary .....	11
Refrigerant Recovery Equipment .....	12

## **ACRONYMS**

AHRI: Air-Conditioning, Heating, and Refrigeration Institute  
CAA: Clean Air Act  
CEO: Chief Executive Officer  
CFC: Chlorofluorocarbon  
C.F.R.: Code of Federal Regulations  
DOJ: Department of Justice  
EHS&S: Environmental, Health, Safety and Security  
EPA: Environmental Protection Agency  
HCFC: Hydrochlorofluorocarbon  
HVAC: Heating, Ventilation, and Air Conditioning  
MVAC: Motor Vehicle Air Conditioning  
ODS: Ozone Depleting Substances  
QC: Qualifying Contract  
RRMP: Refrigerant Recovery Management Program  
SOP: Standard Operating Procedure  
U.S.C.: United States Code

## 1.0 INTRODUCTION

The Consent Decree resulting from Civil Action No. 22-cv-00060 requires Derichebourg Recycling USA (Derichebourg) to develop and implement a Refrigerant Recover Management Program (RRMP). This report documents the RRMP. This report addresses paragraphs 5 and 11 – 26 of the Consent Decree including:

1. Documentation of the distribution of the Consent Decree to officers, employees, agents, and contractors whose duties support compliance with requirements of the Consent Decree
2. Descriptions of procedures implemented by Derichebourg for complying and implementing the requirements of the Consent Decree
3. Policies and standard operating procedures established or utilized to comply with the Consent Decree
4. Roles and responsibilities of positions within Derichebourg for each aspect of the RRMP
5. Procedures for review and revision of the RRMP
6. Recordkeeping, reporting, and training requirements
7. A discussion of the implementation of the RRMP
8. Description of refrigerant handling procedures
9. Compliance oversight

This report addresses management of regulated scrap containing refrigerants other than R-12. Management of scrap that may be received at Derichebourg facilities containing R-12 is addressed in a separate document titled *Environmental Mitigation Project Plan*, prepared by Derichebourg, and submitted to U.S. Department of Justice (DOJ) and Environmental Protection Agency (EPA) on March 31, 2022.

A tabulated summary of the requirements of the Consent Decree and the sections of the report where each requirement is addressed is provided below.

Paragraph in Consent Decree	Requirement	Section(s) of report responsive to requirement
5	Consent decree distribution to employees and agents	4.0
11	Compliance with Title VI of the Act, 42. U.S.C. §§ 7671 – 7671q and the regulations promulgated thereunder, including 40 C.F.R. §§ 82.154 and 82.155	Entire document



<b>Paragraph in Consent Decree</b>	<b>Requirement</b>	<b>Section(s) of report responsive to requirement</b>
12, 15	Refrigerant recovery capability at each facility Refrigerant recovery in accordance with 40 C.F.R. § 82.155(a)	8.0
13, 16 - 20	Regulated scrap inspection for refrigerants Signed statements and qualifying contracts Managing regulated scrap: <ul style="list-style-type: none"> <li>• Potentially containing refrigerants</li> <li>• Containing refrigerants from a Qualifying Contract (QC) Supplier</li> <li>• Suspected of being vented from a QC Supplier</li> <li>• Suspected of being vented from a non-qualifying contract supplier</li> </ul>	7.0
14	Notice to suppliers of refrigerant recovery requirements	6.0
21, 26	Record keeping	10.0
22 – 24	Employee training	9.0
25	Refrigerant Recovery Management Program	Entire document

## 2.0 DEFINITIONS

Definitions of terms that are important to implementing this RRMP are provided in Section III of the Consent Decree, in 40 C.F.R. § 82.32, and in 40 C.F.R. § 82.152. Selected key terms are listed below in alphabetical order. Comments are provided for some of the terms related to implementation of the RRMP.

For clarification and to enhance implementability of the RRMP, four terms are defined that are not used in the Consent Decree or 40 C.F.R. Part 82 Subpart F. The new terms are:

- EPA-Regulated Scrap
- Non-Compliant Scrap
- Non-QC Supplier
- QC Supplier

### 2.1 APPLIANCE

From 40 C.F.R. § 82.152:

*Appliance means any device which contains and uses a class I or class II substance or substitute as a refrigerant and which is used for household or commercial purposes, including any air conditioner, motor vehicle air conditioner, refrigerator, chiller, or freezer. For a system with multiple circuits, each independent circuit is considered a separate appliance.*

Further clarification of the definition of Appliance is provided in Applicability Determination #57 (U.S. EPA, 1996). A copy of this document is provided in Attachment 1. This document addresses four situations as summarized below:

1. **Appliance from which some components of the refrigerant circuit have been removed:** This item is considered an appliance and subject to the safe disposal requirements.
2. **Appliance from which one or more portions of the refrigeration circuit have been removed:** This item is considered an appliance and subject to the safe disposal requirements.
3. **Appliance from which the entire refrigeration circuit has been removed:** This item does not meet the definition of an appliance and is not subject to the safe disposal requirements.

4. **Appliance which has been processed by crushing, flattening, or otherwise demolished:** This item no longer meets the definition of an appliance and is not subject to the safe disposal requirements.

## 2.2 EPA-REGULATED SCRAP

For the purposes of the RRMP, EPA-Regulated Scrap shall have the same meaning as Regulated Scrap as defined in the Consent Decree. In developing this RRMP, the term “EPA-Regulated Scrap” was found to be more efficacious in distinguishing the elements of the RRMP from other regulated materials managed by Derichebourg employees. Standard Operating Procedures (SOPs) and forms developed for the RRMP use the term EPA-Regulated Scrap instead of Regulated Scrap.

## 2.3 FINAL PROCESSOR

From 40 C.F.R. § 82.155:

*The final processor – i.e., persons who take the final step in the disposal process (including but not limited to scrap recyclers and landfill operators) of a small appliance, MVAC, or MVAC-like appliance . . .*

Derichebourg is a final processor and therefore subject to the venting prohibitions in 40 C.F.R. § 82.154 and safe disposal requirements in 40 C.F.R. § 82.155.

## 2.4 MVAC-LIKE APPLIANCE

From 40 C.F.R. § 82.152:

*MVAC-like appliance means a mechanical vapor compression, open-drive compressor appliance with a full charge of 20 pounds or less of refrigerant used to cool the driver's or passenger's compartment of off-road vehicles or equipment. This includes, but is not limited to, the air-conditioning equipment found on agricultural or construction vehicles. This definition is not intended to cover appliances using R-22 refrigerant.*

## **2.5 MOTOR VEHICLE AIR CONDITIONERS (MVAC)**

From 40 C.F.R. § 82.32:

***Motor vehicle air conditioners** means mechanical vapor compression refrigeration equipment used to cool the driver's or passenger's compartment of any motor vehicle. This definition is not intended to encompass the hermetically sealed refrigeration systems used on motor vehicles for refrigerated cargo and the air conditioning systems on passenger buses using HCFC-22 refrigerant.*

## **2.6 NON-COMPLIANT SCRAP**

Non-compliant scrap means EPA-Regulated Scrap delivered to a Derichebourg facility by a QC Supplier that contains refrigerants or shows evidence of venting of the refrigerants. The Qualifying Contract signed by a QC Supplier requires the supplier to recover refrigerants in accordance with 40 C.F.R. § 82.154, and in 40 C.F.R. § 82.155. Scrap received that still contains refrigerants or is suspected of having been vented is non-compliant with the supplier's Qualifying Contract.

## **2.7 NON-QC SUPPLIER**

A non-QC Supplier is either:

1. A peddler or other seller not subject to a Qualifying Contract (Attachment 2), typically delivering scrap infrequently and/or in low volumes; or
2. A Supplier that has not yet returned a signed Qualifying Contract
3. A former QC Supplier whose QC Supplier status has been revoked as a result of repeated delivery of non-complaint scrap.

## **2.8 QC SUPPLIER**

The term QC Supplier as used in the RRMP is a supplier that has signed and returned to Derichebourg the Qualifying Contract provided in Attachment 2. A QC Supplier has agreed to remove refrigerants from all EPA-Regulated Scrap prior to its delivery to a Derichebourg facility. Suppliers such as peddlers that have not signed a Qualifying Contract are referred to as non-QC Suppliers.

## **2.9 QUALIFYING CONTRACT**

From the Consent Decree:

*Qualifying Contract” shall mean a written agreement between the Supplier and Defendant that states that the Supplier will properly recover any remaining Refrigerant from all Regulated Scrap prior to delivery to Defendant, or that the Supplier will verify that any Refrigerant that was contained in the Regulated Scrap that it delivers to Defendant had been properly recovered, in compliance with 40 C.F.R. § 155(a), prior to Supplier’s receipt of such Regulated Scrap;*

The written agreement or Qualifying Contract used to establish the required relationship with QC Suppliers is provided in Attachment 2.

## **2.10 REFRIGERANT**

From 40 CFR § 82.152:

*Refrigerant means, for purposes of this subpart, any substance, including blends and mixtures, consisting in part or whole of a class I or class II ozone-depleting substance or substitute that is used for heat transfer purposes and provides a cooling effect.*

Refrigerants are prohibited from being vented to the atmosphere with the exception of substitutes listed in 40 C.F.R. § 82.154(1). Derichebourg does not believe it is practical to provide the appropriate diagnostic equipment, training, and expertise to manage exempt substitutes separately from refrigerants subject to the venting prohibition. Therefore, no attempt will be made by Derichebourg employees to distinguish between exempt substitutes and other refrigerants. All refrigerants recovered by Derichebourg personnel will be recovered and managed in accordance with 40 C.F.R. § 82.155. This decision does not affect refrigerant recovery and management by the third-party refrigerant recovery contractor.

## **2.11 REFRIGERANT CIRCUIT**

From 40 CFR § 82.152:

*The parts of an appliance that are normally connected to each other (or are separated only by internal valves) and are designed to contain refrigerant.*

## **2.12 REGULATED SCRAP**

From the Consent Decree:

*“Regulated Scrap” shall mean ‘small appliances,’ ‘motor vehicle air conditioners (MVAC),’ and/or ‘MVAC-like appliances,’ as those terms are defined in Subpart F of 40 C.F.R. Part 82*

As discussed above, EPA-Regulated Scrap is used in this RRMP as an equivalent term to Regulated Scrap as defined in the Consent Decree.

## **2.13 SMALL APPLIANCE**

From 40 CFR § 82.152:

*Small appliance means any appliance that is fully manufactured, charged, and hermetically sealed in a factory with five (5) pounds or less of refrigerant, including, but not limited to, refrigerators and freezers (designed for home, commercial, or consumer use), medical or industrial research refrigeration equipment, room air conditioners (including window air conditioners, portable air conditioners, and packaged terminal air heat pumps), dehumidifiers, under-the-counter ice makers, vending machines, and drinking water coolers.*

## **2.14 SUPPLIER**

From the Consent Decree:

*“Supplier” shall mean a person or entity that sells or enters into an agreement to sell Regulated Scrap to Defendant*

For clarification, in this RRMP the terms QC Supplier and non-QC Supplier are used to distinguish between those suppliers that have signed and returned the Qualifying Contract, and those that are not subject to the Qualifying Contract. The term seller is also used generically to refer to suppliers and is inclusive of both QC and non-QC Suppliers.

### **3.0 DERICHEBOURG POLICIES AND ORGANIZATIONAL STRUCTURE**

#### **3.1 CORPORATE POLICY OF COMPLIANCE**

Derichebourg Recycling USA is a final processor in the scrap metal recycling process. The Clean Air Act (CAA) Amendments of 1990 require that all refrigerants be recovered from scrap before final processing to prevent the release of CFC (chlorofluorocarbon) and HCFC (hydrochlorofluorocarbon) refrigerants to the atmosphere. This requirement was prompted by the discovery in 1986 that refrigerants were responsible for the destruction of the earth's ozone layer. The ozone layer functions as earth's sunscreen protecting the planet from the sun's harmful ultraviolet radiation. Degradation of the earth's ozone layer contributes to higher incidences of cancer and cataracts, and to global warming.

It is the policy of Derichebourg to comply with the Consent Decree and all applicable EPA Refrigerant regulations in 40 C.F.R. Part 82 Subpart F. This RRMP report and the associated procedures and forms will be used to communicate steps being taken by Derichebourg to responsibly manage refrigerants.

#### **3.2 APPLICABILITY**

This RRMP is being implemented at all 10 Derichebourg facilities, listed below:

##### **HOUSTON AREA FACILITIES**

- 7501 Wallisville Rd, Houston, Texas 77020
- 8202 West Montgomery Rd, Houston, Texas 77041
- 1 Wharf St, Houston, Texas 77012
- 6648 N. Eldridge Pkwy, Houston Texas 77041
- 13319 FM 1764 Rd, Santa Fe, Texas 77510
- 3515 Almeda Genoa Rd, Houston, Texas 77047

##### **OKLAHOMA FACILITIES**

- 900 N. Villa Ave, Oklahoma City, Oklahoma 73117
- 3605 E. Jensen Rd, El Reno, Oklahoma 73036
- 17650 S. Sooner Rd, Norman, Oklahoma 73071
- 100 N. Bath Ave, Oklahoma City, Oklahoma 73117

Not all elements of the RRMP are applicable to all facilities. In order to manage compliance with the Consent Decree and safe disposal regulations, Derichebourg has elected to no longer accept appliances at the following facilities:

1. 7501 Wallisville Road, Houston, Texas 77020
2. 3605 E. Jensen Road, El Reno, Oklahoma 73036
3. 17650 S. Sooner Rd, Norman, Oklahoma 73071

Scale Operators and Inspectors have been directed to reject all appliances at these facilities. Signs are posted at the entrances to these facilities stating: *We do not accept Freon appliances at this location. Take to (alternative location).* Nevertheless, employees at these facilities will be trained in the identification and management of EPA-Regulated Scrap. The discovery of concealed EPA-Regulated Scrap will require the same documentation as the other facilities. Also, these three facilities will continue to accept vehicles with MVAC.

The number of facilities on the no-appliances list will be reviewed monthly. Additions to this list may be necessary to ensure compliance with the Consent Decree.



#### **4.0 CONSENT DECREE DISTRIBUTION (PARAGRAPH 5)**

From paragraph 5 of the Consent Decree:

*Defendant shall provide a copy of this Consent Decree to all officers, employees, and agents whose duties might reasonably include compliance with any provision of this Decree, as well as to any contractor retained to perform work required under this Consent Decree. . .*

#### **4.1 DERICHEBOURG EMPLOYEES**

Eighty-one Derichebourg employees having responsibilities for implementation of the RRMP received a copy of the Consent Decree. This represents a majority of Derichebourg employees. A copy of the first email, dated March 7, 2022, documenting transmittal of the Consent Decree to Derichebourg employees is provided in Attachment 3.

Roles and responsibilities of positions involved in implementation of the RRMP are described in Section 5.3. Organizational charts for Derichebourg are provided on Figures 1 and 2. Figure 1 is for the Houston area facilities and Figure 2 is for the Oklahoma facilities. Positions on the organizational charts that have a role in implementing this RRMP are highlighted on Figures 1 and 2.

#### **4.2 CONTRACTORS**

Three third-party contractors are regarded as agents assisting in compliance with the Consent Decree. The three contractors and the dates they received the Consent Decree are:

- a. Rapid Recovery®, Part of A-Gas, Friendswood, Texas / March 2, 2022
- b. Clean Harbors Environmental Services, La Porte, Texas / March 28, 2022
- c. DNA Geosciences, Inc., San Antonio, Texas / January 12, 2022

Copies of the emails documenting transmittal of the Consent Decree to the contractors are provided in Attachment 3.

##### **4.2.1 Rapid Recovery®, Friendswood, Texas**

Rapid Recovery®, Part of A-Gas, provides refrigerant recovery services for the HVAC, refrigeration, demolition, recycling, and marine industries. Derichebourg has a working relationship with Rapid Recovery® that involves refrigerant recovery at all of its facilities, as

needed. Rapid Recovery® uses certified technicians and EPA/Air-Conditioning, Heating, and Refrigeration Institute (AHRI) certified recovery equipment for recovery of refrigerants. A contract has been executed with Rapid Recovery®. A copy of this contract is provided in Attachment 4.

Rapid Recovery's responsibilities in the RRMP include:

1. Refrigerant recovery from EPA-Regulated Scrap
2. Transfer of recovered refrigerant to refrigerant storage cylinders and transport offsite for reclamation or recycling
3. Provide documentation to Derichebourg of refrigerant recovery at each Derichebourg facility

Contact information for Rapid Recovery® is provided below:

Daniel Soto, Business Development Leader  
[daniel.soto@raprec.com](mailto:daniel.soto@raprec.com)  
(281) 444-3402  
Rapid Recovery®  
4402 Rex Road  
Friendswood, TX 77546

#### **4.2.2 Clean Harbors Environmental Services, La Porte, Texas**

Clean Harbors Environmental Services, Inc. has been selected as the destruction facility for R-12. Management of R-12 is addressed in a separate document titled *Environmental Mitigation Project Plan*, prepared by Derichebourg, and submitted to U.S. DOJ and EPA on March 31, 2022. Clean Harbors does not have a role in this RRMP.

Contact information for Clean Harbors Environmental Services, Inc. is provided below:

Jaime Flores  
[flores.jaime@cleanharbors.com](mailto:flores.jaime@cleanharbors.com)  
Clean Harbors Environmental Services, Inc.  
(281) 229-2097  
500 Independence Parkway South  
La Porte, TX 77571  
United States

#### **4.2.3 DNA Geosciences, Inc., San Antonio, Texas**

DNA Geosciences, Inc., is an environmental consulting firm established in 2003. As a firm, DNA Geosciences has provided environmental compliance and consulting services to the scrap industry since its inception. DNA Geosciences' principal, Mark Dobson, P.G., has 25 years of experience in the scrap industry addressing environmental compliance related to air emissions, stormwater management, waste management, and assessment/remediation of affected environmental media including air, soils, surface water, and groundwater. DNA Geosciences has 8 years of experience providing consulting services involving environmental regulatory compliance to Derichebourg.

DNA Geosciences' responsibilities in the RRMP include:

1. Assisting in development of the RRMP and preparation of this report
2. Assisting in preparation of SOPs and training materials required for implementation of the RRMP
3. General consulting related to Derichebourg's compliance with the Consent Decree

Contact information for DNA Geosciences is provided below:

Mark Dobson, P.G.  
[mdobson@dnageo.com](mailto:mdobson@dnageo.com)  
(210) 393-3721  
DNA Geosciences, Inc.  
10848 Gulfdale  
San Antonio, Texas 78216

## **5.0 OVERVIEW OF REFRIGERANT RECOVERY MANAGEMENT PROGRAM**

### **5.1 DEVELOPMENT OF THE RRMP**

Development of this RRMP was an interactive and iterative process involving the following parties:

- Chief Executive Officer (CEO)
- Buyers
- Operations Manager
- Environmental, Health, Safety and Security (HS&S) Manager
- DNA Geosciences, Inc.

### **5.2 ELEMENTS OF THE RRMP**

The main elements of the RRMP are listed below:

<b>RRMP Element</b>	<b>Report Section Discussing Element</b>
Partnering with QC Suppliers	6.0
SOP for Inspection, Screening, and Management of EPA-Regulated Scrap	7.0
Refrigerant Recovery Capabilities by Derichebourg and Third-Party Contractor	8.0
Employee Training	9.0
Recordkeeping and Reporting	10.0
Compliance Oversight	11.0

### **5.3 ROLES AND RESPONSIBILITIES**

A summary of the roles and responsibilities of the parties involved in implementing this RRMP is provided below:

Position	Role	Tasks
CEO	Principal in charge	<ol style="list-style-type: none"> <li>1. Overall responsibility for development of RRMP and compliance with Consent Decree</li> <li>2. Determine which facilities will accept appliances</li> <li>3. Approve changes needed to improve the RRMP</li> </ol>
Buyers	Interface with QC Suppliers	<ol style="list-style-type: none"> <li>1. Notify QC Suppliers of Derichebourg's expectations regarding recovery of refrigerants</li> <li>2. Distribute Qualifying Contract to QC Suppliers</li> <li>3. Ensure return of signed Qualifying Contracts</li> <li>4. Ensure copies of signed Qualifying Contracts are available at each facility</li> </ol>
Operations Manager	RRMP development, implementation, and compliance oversight  Training	<ol style="list-style-type: none"> <li>1. Play key role in developing RRMP</li> <li>2. Provide training</li> <li>3. Coordinate and schedule third-party refrigerant recovery contractor</li> <li>4. Monitor compliance</li> <li>5. Resolve problems with compliance as they occur</li> <li>6. Provide recommendations to CEO for improving RRMP as warranted</li> </ol>
EHS&S Manager	RRMP development, implementation, and compliance oversight  Training  Record keeping  Reporting  Communications with EPA	<ol style="list-style-type: none"> <li>1. Play key role in developing RRMP</li> <li>2. Provide training</li> <li>3. Monitor compliance</li> <li>4. Resolve problems with compliance as they occur</li> <li>5. Maintain records required to show compliance with Consent Decree</li> <li>6. Compile daily summary of activities related to compliance for each facility</li> <li>7. Prepare and submit Semi-Annual Reports</li> <li>8. Provide recommendations to CEO for improving RRMP as warranted</li> </ol>
Yard Supervisor	Implementation of SOPs	<ol style="list-style-type: none"> <li>1. Ensure implementation and compliance of Scale Operator and Inspectors with SOPs</li> <li>2. Provide daily results of compliance actions to Operations Manager Scale Tickets, Inspection Checklists, and Post-Inspection Refrigerant Discovery Forms</li> </ol>
Scale Operator	Scrap receiving	<ol style="list-style-type: none"> <li>1. Initiate Scale Ticket form</li> <li>2. Initiate EPA-Regulated Scrap Inspection Checklist when appliances or vehicles are obvious</li> <li>3. Distribute Refrigerant Recovery Notice to non-QC Suppliers as warranted</li> </ol>

Position	Role	Tasks
Inspector	Scrap inspection	<ol style="list-style-type: none"> <li>1. Inspect scrap as it is received to identify EPA-Regulated Scrap</li> <li>2. Initiate EPA-Regulated Scrap Inspection Checklist to document acceptance or rejection of EPA-Regulated Scrap</li> <li>3. Distribute Refrigerant Recovery Notice to non-QC Suppliers as warranted</li> <li>4. Provide completed EPA-Regulated Scrap Inspection Checklists to Yard Supervisor</li> <li>5. Complete Post-Inspection Refrigerant Discovery form when EPA-Regulated Scrap is found during scrap sorting or processing</li> <li>6. Provide Scale Tickets with refrigerant tracking information to Yard Supervisor.</li> </ol>
Freon Removal Technician	Refrigerant removal	<ol style="list-style-type: none"> <li>1. Operate refrigerant recovery equipment (currently, only at Alameda Alameda Genoa/ Southside, Wharf Street)</li> </ol>
Rapid Recovery®	Refrigerant recovery, reclamation, and recycling	<ol style="list-style-type: none"> <li>1. Perform refrigerant recovery as requested by Operations Manager</li> <li>2. Provided summary of dates and amounts of refrigerants recovered to Operations Manager</li> </ol>
DNA Geosciences, Inc.	Environmental Consultant	<ol style="list-style-type: none"> <li>1. Provide support in developing RRMP and preparing this report</li> <li>2. Provide support for preparation of Semi-Annual Reports</li> <li>3. Provide general consulting regarding compliance with Consent Decree</li> </ol>

## **6.0 PARTNERING WITH QC SUPPLIERS**

A majority of scrap received by Derichebourg comes from repeat, commercial suppliers. Derichebourg is partnering with these suppliers to ensure proper refrigerant recovery from EPA-Regulated Scrap recycled at Derichebourg's facilities. All QC Suppliers have been notified of their responsibility to remove refrigerants from appliances before they are delivered to Derichebourg's facilities. This notice was sent to commercial customers on March 31, 2022, accompanied by the Qualifying Contract. Copies of the notice in English and Spanish and the Qualifying Contract are provided in Attachment 2.

The Buyers are responsible for

- Ensuring that signed copies of Qualifying Contracts are received from all prospective QC Suppliers
- Notifying prospective QC Suppliers that have not returned the signed Qualifying Contract that Derichebourg will not purchase EPA-Regulated Scrap from them without either a Qualifying Contract or, for each transaction, a Signed Statement identifying the date and person or party responsible for the refrigerant removal
- Ensuring that copies of Qualifying Contracts are available for each QC Supplier at each facility where they deliver scrap

Qualifying Contracts have been received from 115 QC Suppliers. More suppliers are expected to be added to the list of QC Suppliers in the near future.

## **7.0 SCRAP RECEIVING AND INSPECTION (PARAGRAPHS 13 AND 16 – 20)**

### **7.1 OVERVIEW OF SOP AND FORMS**

An SOP and five forms were developed to address receiving and inspection of EPA-Regulated Scrap. The SOP and supporting forms are summarized below. A copy of SOP R is provided in Attachment 5. Copies of the forms are provided in Attachments 6 - 10.

- 1. SOP R: Management of EPA-Regulated Scrap – Attachment 5**
  - a. Specifies responsibilities of the Operations Manager, EHS&S Manager, Yard Supervisors, Scale Operators, and Inspectors in identifying and managing EPA-Regulated Scrap
  - b. Describes steps required for receiving and inspecting deliveries for EPA-Regulated Scrap
  - c. Specifies documentation related to identification and management of EPA-Regulated Scrap
- 2. Forms**
  - a. Scale Ticket – Attachment 6
    - i. Initiated by Scale Operator
    - ii. Identifies if transaction is with a QC Supplier or non-QC Supplier
    - iii. May require supplemental information from Inspector if EPA-Regulated Scrap is identified
  - b. EPA-Regulated Scrap Inspection Checklist (Inspection Checklist or Checklist) - Attachment 7
    - i. Initiated by Scale Operator if EPA-Regulated Scrap is obvious at receiving
    - ii. Completed by Inspector if initiated by Scale Operator
    - iii. If not initiated by Scale Operator, initiated by Inspector if EPA-Regulated Scrap is identified during unloading of scrap
  - c. Signed Statement: *Demanufacturing Process Required by All Auto Body & Industrial/Home Appliance Sellers: Statement Regarding Refrigerant Recovery* – Attachment 8. For use by non-QC Suppliers to document
    - i. Date of refrigerant recovery and party responsible for recovery,
    - ii. Lack of knowledge of refrigerant recovery, or refrigerant recovery still needed
  - d. Non-QC Supplier Refrigerant Recovery Notice: *How Do I Recycle a Vehicle with an Air Conditioner or an Appliance that Uses Refrigerant* – Attachment 9.
  - e. Post-Inspection Refrigerant Discovery Form – Attachment 10. For use if, after scrap has been accepted, concealed EPA-Regulated Scrap is identified.



## 7.2 SOP R: MANAGEMENT OF EPA-REGULATED SCRAP

SOP R (Attachment 5) was developed to ensure compliance with Derichebourg's policies and applicable refrigerant recovery regulations. The SOP is described below.

### 7.2.1 Receiving / Scale Operator

Incoming scrap deliveries are inspected upon arrival to determine if they include EPA-Regulated Scrap. The Scale Operator initiates a Scale Ticket for each delivery. The Scale Ticket (Attachment 6) records the seller information, gross weight of the delivery, tare weight of the delivery vehicle or trailer, and other information. The Scale Ticket also provides "Refrigerant Tracking" information that may be initiated by the Scale Operator but completed by the Inspector.

The Scale Operator is not normally capable of viewing the entire load and establishing an absence of EPA-Regulated Scrap. Therefore, the Inspector is primarily responsible for screening deliveries for EPA-Regulated Scrap. However, if the Scale Operator observes appliances or vehicles in the delivery, he/she is responsible for the following:

1. Check "Yes" in the Refrigerant Tracking section of the Scale Ticket.

#### Excerpt from Scale Ticket:

<b>REFRIGERANT TRACKING</b>	
<b>EPA-REGULATED SCRAP INCLUDED?</b>	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
IF YES:	
<b>QUALIFIED CONTRACT SUPPLIER?</b>	<input type="checkbox"/> YES <input type="checkbox"/> NO
<b>FOR QUALIFIED CONTRACT SUPPLIER, SCRAP INCLUDED:</b>	<input type="checkbox"/> INTACT REFRIGERANT SYSTEMS <input type="checkbox"/> INCOMPLETE REFRIGERANT SYSTEMS
<b>FOR NON-QC SUPPLIER:</b>	<input type="checkbox"/> SIGNED REFRIGERANT REMOVAL STATEMENT ACCEPTED <input type="checkbox"/> EPA-REGULATED SCRAP REJECTED, REFRIGERANT RECOVERY NOTICE PROVIDED

2. Determine if the seller is a QC Supplier and indicate by checking "Yes" or "No" on the Scale Ticket. This information is critical to the Inspector's ability to properly manage EPA-Regulated Scrap.

Excerpt from Scale Ticket:

<b>REFRIGERANT TRACKING</b>	
EPA-REGULATED SCRAP INCLUDED?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
IF YES:	
QUALIFIED CONTRACT SUPPLIER?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
FOR QUALIFIED CONTRACT SUPPLIER, SCRAP INCLUDED:	
	<input type="checkbox"/> INTACT REFRIGERANT SYSTEMS
	<input type="checkbox"/> INCOMPLETE REFRIGERANT SYSTEMS
FOR NON-QC SUPPLIER:	
	<input type="checkbox"/> SIGNED REFRIGERANT REMOVAL STATEMENT ACCEPTED
	<input type="checkbox"/> EPA-REGULATED SCRAP REJECTED, REFRIGERANT RECOVERY NOTICE PROVIDED

3. Initiate the EPA-Regulated Scrap Inspection Checklist by completing the customer information section and checking “Yes” or “No” to Commercial Customer / QC Supplier question.

Excerpt from EPA-Regulated Scrap Inspection Checklist:

DATE:		TIME:	
CUSTOMER NAME:			
LICENSE# / TRUCK #:			
ADDRESS:			
CITY:		STATE	
		ZIP	
<b>COMMERCIAL CUSTOMER / QUALIFIED CONTRACT SUPPLIER?</b>			
<input type="checkbox"/> YES		<input type="checkbox"/> NO	

The Scale Operator then provides the Scale Ticket and, if initiated, the EPA-Regulated Scrap Inspection Checklist, to the driver and asks him/her to deliver both documents to the Inspector.

## 7.2.2 Inspection

The Inspector observes the delivery as it is unloaded. The Inspector screens the scrap for EPA-Regulated Scrap irrespective of whether or not the Scale Operator initiated an Inspection Checklist. If EPA-Regulated Scrap is observed by the Inspector, and if an Inspection Checklist was not initiated by the Scale Operator, the Inspector initiates the Checklist. In this case, if the Inspector is not aware whether the seller is a QC Supplier, he/she must obtain this information from the Scale Operator before he/she is able to properly screen and manage the EPA-Regulated Scrap.

### 7.2.2.1 EPA-Regulated Scrap Received QC Supplier

QC Suppliers are contractually obligated to remove refrigerants from EPA-Regulated Scrap prior to its delivery to Derichebourg. The inspector observes EPA-Regulated Scrap received from a QC Supplier during unloading for the following four conditions:

**No further action required:**

1. Refrigerant circuit has been completely removed
2. Complete refrigerant circuit remains but evidence of refrigerant recovery is observed, e.g., punctures in refrigerant lines by tube-piercing recovery pliers

**Action required:**

3. Refrigerant circuit intact and no evidence of refrigerant recovery
4. Refrigerant circuit incomplete, or refrigerant lines have been cut, suggesting that refrigerant may have been vented

No further action or documentation is required for the first two conditions. If the Inspector observes the latter two conditions, the scrap is judged to be non-compliant with the QC Supplier's Qualifying Contract. The scrap can be accepted, but the Inspector must document the non-compliant scrap. The Inspector checks the appropriate box(es) for the type of scrap on the Checklist and the condition that was observed, "Refrigerant system intact" indicating refrigerant removal may be required, or "Refrigerant system incomplete" suggesting possible venting of the refrigerant.

**Excerpt from EPA-Regulated Scrap Inspection Checklist:**

COMMERCIAL ACCOUNT / QUALIFIED		
<input checked="" type="checkbox"/> YES		
Signed Statement EPA-Regulated If rejected, p		
Non-Compliant Scrap		
Refrigerant system intact	Refrigerant system incomplete	Type
<input type="checkbox"/>	<input type="checkbox"/>	AUTOMOBILES
<input type="checkbox"/>	<input type="checkbox"/>	REFRIGERATORS/FREEZERS
<input type="checkbox"/>	<input type="checkbox"/>	AIR CONDITIONERS
<input type="checkbox"/>	<input type="checkbox"/>	DEHUMIDIFIERS
<input type="checkbox"/>	<input type="checkbox"/>	OTHER _____
<input type="checkbox"/>	<input type="checkbox"/>	OTHER _____
<input type="checkbox"/>	<input type="checkbox"/>	OTHER _____

Any entry in this portion of the Checklist notifies the EHS&S Manager that a QC Supplier may not be compliant with the Qualifying Contract. In each instance, the EHS&S Manager notifies the appropriate Buyer of the non-compliant scrap incident. The Buyer is responsible for sending the QC Supplier a notice of the non-compliant scrap and a reminder of the QC Supplier's responsibility to comply with 40 C.F.R. § 82.154 regarding prohibition of venting of refrigerants, and 40 C.F.R. § 82.155 regarding safe disposal of appliances. The EHS&S Manager must be copied on all correspondence between the Buyer and QC Supplier regarding the non-compliant scrap incident.

The EHS&S Manager will notify the CEO of each incident of non-compliant appliances or vehicles received from a QC Supplier. Each incident will prompt a review of the Supplier's status as a QC Supplier. The CEO has the authority to revoke a Supplier's status as a QC Supplier for repeated incidents involving non-compliant scrap.

#### 7.2.2.2 EPA-Regulated Scrap Received from Non-QC Supplier

The receipt of EPA-Regulated Scrap from a non-QC-Supplier requires the Inspector to determine if the Regulated Scrap will be accepted or rejected. If the Inspector receives an Inspection Checklist from the Scale Operator, or identifies EPA-Regulated Scrap during unloading, the Inspector provides the seller the Signed Statement form (Attachment 8) that requires seller to certify one of the following:

1. Date of refrigerant recovery and name of company or person that performed the recovery
2. Lack of knowledge of refrigerant recovery, or refrigerant recovery may still be needed

#### Excerpt from Signed Statement Form:

<p><b>Seller certifies that:</b> (check one)</p> <p><input type="checkbox"/> All non-exempt refrigerants (including but not limited to chlorofluorocarbons (CFCs) hydrochlorofluorocarbons (HCFCs), and hydrofluorocarbons (HFCs), as defined in 40 C.F.R. Part 82, Subpart F, pursuant to the Clean Air Act Amendments) that have not previously leaked out of the appliance(s) or vehicle(s) that is/are delivered under this sale have been recovered in accordance with 40 C.F.R. Part 82.155(a).</p> <p>The non-exempt refrigerant has been recovered by:</p> <p>(Individual or Company name) _____</p> <p>Located at (address) _____</p> <p>On (date of refrigerant recovery) _____</p> <p><input type="checkbox"/> I do not know if the appliance(s) or vehicle(s) delivered under this sale still contain(s) refrigerant, <b>OR</b> I believe that refrigerant may still need to be recovered from the appliance(s) or vehicle(s).</p>
--

Inspector accepts scrap if seller certifies option 1 and checks two boxes on the Checklist:

- Signed Statement received? **“Yes”**
- EPA-Regulated Scrap rejected? **“No”**

Excerpt from EPA-Regulated Scrap Inspection Checklist:

QUALIFIED CONTRACT SUPPLIER?		
<input checked="" type="checkbox"/> <b>NO</b>		
Signed Statement received? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
EPA-Regulated Scrap rejected? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
If rejected, provide Refrigerant Recovery Notice.		
<b>Rejected Scrap</b>		
Type	Refrigerant system intact	Refrigerant system incomplete

If seller indicates option 2, Inspector provides the seller a copy of the Refrigerant Recovery Notice (Attachment 9). Inspector must inspect the refrigerant circuit to determine if it is intact. If the refrigerant circuit is intact, the Inspector may accept the EPA-Regulated Scrap but must apply stickers indicating that refrigerant recovery is required. If portions of the refrigerant circuit have been removed the EPA-Regulated Scrap must be rejected.

In many cases, EPA-Regulated Scrap will be rejected from non-QC Suppliers because the value of the scrap is less than the cost of the refrigerant recovery and other recycling costs. If the EPA-Regulated Scrap is rejected, the Inspector must

- Check **“Yes”** to Signed Statement received
- Check **“Yes”** to EPA-Regulated Scrap rejected
- Check the types of scrap rejected, and the condition observed, refrigerant system intact, or refrigerant system incomplete.

Excerpt from EPA-Regulated Scrap Inspection Checklist:

HUNT / QUALIFIED CONTRACT SUPPLIER?			
<input checked="" type="checkbox"/> <b>NO</b>			
Signed Statement received? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			
EPA-Regulated Scrap rejected? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			
If rejected, provide Refrigerant Recovery Notice.			
Scrap	<b>Rejected Scrap</b>		
	Type	Refrigerant system intact	Refrigerant system incomplete
	AUTOMOBILES	<input type="checkbox"/>	<input type="checkbox"/>
	REFRIGERATORS/FREEZERS	<input type="checkbox"/>	<input type="checkbox"/>
	AIR CONDITIONERS	<input type="checkbox"/>	<input type="checkbox"/>
	DEHUMIDIFIERS	<input type="checkbox"/>	<input type="checkbox"/>
	OTHER _____	<input type="checkbox"/>	<input type="checkbox"/>
	OTHER _____	<input type="checkbox"/>	<input type="checkbox"/>
OTHER _____	<input type="checkbox"/>	<input type="checkbox"/>	

### 7.2.3 Post-Inspection Refrigerant Discovery

Derichebourg recognizes the possibility that EPA-Regulated Scrap may be concealed and may not be identified during the initial inspection. The Inspector is responsible for documenting EPA-Regulated Scrap that may be discovered during scrap sorting or processing. When previously unrecognized EPA-Regulated Scrap is identified, the Inspector completes the Post-Inspection Refrigerant Discovery form (Attachment 10). Normally, the Unknown box will be checked for the supplier Information, however, the Inspector enters the supplier information if known.

Excerpt from Post-Inspection Refrigerant Discovery Form:

POST-INSPECTION REFRIGERANT DISCOVERY FORM	
<i>To be completed when EPA-Regulated Scrap is discovered during scrap sorting and processing:</i>	
DATE: <span style="background-color: yellow;">                    </span>	TIME: <span style="background-color: yellow;">          </span>
<b>Supplier information:</b>	
SUPPLIER UNKNOWN: <span style="background-color: yellow;">          </span> <input type="checkbox"/>	
SUPPLIER NAME:	_____
LICENSE# / TRUCK #:	_____
ADDRESS:	_____
CITY:	_____ STATE _____ ZIP _____

The form prompts the Inspector to indicate the type of scrap, and its condition.

Excerpt from Post-Inspection Refrigerant Discovery Form:

OTHER REFRIGERANTS OR UNKNOWN		
Type of scrap	Refrigerant system intact	Refrigerant system incomplete
Vehicle	<input type="checkbox"/>	<input type="checkbox"/>
Appliance:		
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>

#### 7.2.4 Staging of EPA-Regulated Scrap for Refrigerant Recovery

All EPA-Regulated Scrap that is known to contain or potentially contains refrigerants is labeled with a sticker indicating that the refrigerants are to be removed:



All scrap requiring refrigerant removal is moved to a designated refrigerant removal staging area. The refrigerant recovery is performed by either Derichebourg personnel or a third-party contractor, at the discretion of the Operations Manager and Yard Supervisor. Once the refrigerants have been recovered, the scrap is moved to the shredder feed pile.

### **7.2.5 Record Keeping and Notices to QC Suppliers**

#### **7.2.5.1 Freon Removal Technician**

Freon removal technicians have been trained at all ten Derichebourg facilities. Currently, refrigerants are being removed by Derichebourg technicians at two facilities: Alameda Genoa / Southside and Wharf Street. Rapid Recovery® is responsible for refrigerant removal at the other eight facilities. The Freon removal technician is responsible for maintaining a log of each recovery on the Refrigerant Removal Verification Statement. A copy of this Statement form is provided in Attachment 12. The Freon removal technician provides the completed Statements to the Yard Supervisor daily.

#### **7.2.5.2 Inspector**

At the end of each day the Inspector delivers all completed refrigerant management forms to the Yard Supervisor. The forms include:

1. Scale Tickets for deliveries including refrigerant tracking information
2. EPA-Regulated Scrap Inspection Checklists
3. Signed Statements from non-QC Suppliers
4. Post-Inspection Refrigerant Discovery forms

#### **7.2.5.3 Yard Supervisor**

The Yard Supervisor is responsible for reviewing the documentation provided by the Inspector on a daily basis. The Yard Supervisor reviews the documents for completeness and compliance with this SOP. The Yard Supervisor is responsible for any clarification to the documents that



may be needed. After review and within 24 hours, the Yard Supervisor forwards the documents to the Operations Manager.

#### 7.2.5.4 Operations Manager

The Operations Manager is responsible for reviewing the refrigerant management documentation daily. The Operations Manager schedules the third-party refrigerant recovery contractor to recover refrigerants at the various facilities as needed. The Operations Manager reviews the documentation to assess compliance with this SOP and any problems with compliance. After review and within 24 hours of receiving, the Operations Manager forwards the documentation to the EHS&S Manager.

#### 7.2.5.5 EHS&S Manager

The EHS&S Manager reviews the documentation to

1. Assess compliance with this SOP
2. Identify any problems with compliance
3. Compile a daily summary of refrigerant management activities at each facility on the Daily Incident Summary form (Attachment 11)
4. Notify Buyers of any incidents involving non-compliant scrap received from a QC Supplier

The EHS&S Manager also files the documentation much of which will be needed for the Semi-Annual Report to the EPA.

## 8.0 REFRIGERANT RECOVERY

### 8.1 REFRIGERANT RECOVERY CAPABILITY (PARAGRAPHS 12 AND 15)

The Consent Decree requires Derichebourg to establish the capability to perform refrigerant recovery at each of its facilities. Derichebourg has established refrigerant recovery capability at all ten facilities through a combination of:

1. Purchasing refrigerant recovery equipment for each of its facilities
2. Training Derichebourg personnel to operate the refrigerant recovery equipment
3. Contracting a third-party contractor to provide additional recovery capability when needed

### 8.2 IN-HOUSE CAPABILITIES

#### 8.2.1 Refrigerant Recovery Equipment

Derichebourg purchased the following refrigerant recovery equipment for each of its facilities:

Model: *RecoverXL T2-AP™* Oil-Less Universal Refrigerant Recovery System  
Manufacturer: Richie Engineering Co., Inc.  
Yellow Jacket Products Division  
10950 Hampshire Avenue South  
Bloomington, MN 55438-2623

A specification sheet for this system is provided in Attachment 12. Information on the systems was submitted to the EPA on EPA Form 7610-31, *Environmental Protection Agency Refrigerant Recovery or Recycling Device Acquisition Certification Form*, on November 13 and 16, 2020. Copies of the completed forms are included in Attachment 12. The Refrigerant Removal Verification Statement for refrigerants recovered by Derichebourg personnel is also provided in Attachment 12.

Serial numbers and the year the systems were installed are provided below:

Facility	Serial Number	Year Installed
Wharf St, Houston	19340118	2018
West Montgomery, Houston	19380010	2019
Wallisville, Houston	19320029	2019
Almeda Genoa, Houston	19320024	2019
Eldridge, Houston	20140004	2020

Facility	Serial Number	Year Installed
Villa, Oklahoma City	20140001	2020
El Reno, OK	20390083	2020
Norman, OK	20390084	2020
North Bath, Oklahoma City	20140002	2020
Santa Fe, Houston	20140018	2020

Derichebourg personnel at each facility have been trained to operate the refrigerant recovery equipment.

### **8.2.2 Refrigerant Management**

All refrigerants recovered by Derichebourg personnel are transferred to gas storage cylinders. Refrigerant recoveries by Derichebourg personnel are recorded on a Refrigerant Removal Verification Statement (Attachment 12).

The Operations Manager, through communication with the Yard Supervisor and review of the daily refrigerant management documentation described in Section 7.2.5, monitors the amounts of refrigerant recovered by Derichebourg at each facility. As the contents of the cylinders approach a maximum of 80% of their capacity, the Operations Manager schedules Rapid Recovery® to remove the refrigerants from the cylinders for transportation to their facility for reclamation or recycling.

### **8.3 THIRD PARTY CONTRACTOR**

As discussed in Section 4.2.1, Rapid Recovery® has been selected to provide refrigerant recovery service at all ten facilities. A copy of the service contract with Rapid Recovery® is provided in Attachment 4. Rapid Recovery's services are scheduled by the Operations Manager. Currently, Rapid Recovery® is scheduled to visit all six Houston area facilities on a weekly basis. Refrigerant recovery in Oklahoma facilities will be scheduled as needed by the Operations Manager.

## **9.0 EMPLOYEE TRAINING (PARAGRAPHS 22 – 24)**

Elements of training that have been provided so far include:

1. All Derichebourg personnel have been provided notification and training regarding the Consent Decree and Derichebourg's response. This training included:
  - a. Information about how the release of Refrigerants into the atmosphere and the depletion of the ozone layer impact human health and contribute to climate change
  - b. An overview of applicable regulatory requirements from 40 C.F.R. Subpart F and 40 C.F.R. § 82.155
  - c. General requirements of the Consent Decree
2. Training at all ten facilities for personnel in use of the refrigerant recovery equipment
3. All necessary training for the Environmental Mitigation Project Plan regarding R-12 recovery and destruction

The elements of this RRMP have been evolving up to the date of the submittal of this report. Providing provisional training to employees on SOP R and the supporting forms was not feasible prior to the completion of this RRMP. Given the complexity of the regulatory requirements and the RRMP, and the evolving procedures and forms, training prior to the completion of the RRMP would not have resulted in an effective implementation of the RRMP. Provisional training would have also led to confusion when re-training was required based on the final RRMP, further compromising implementation of the RRMP.

Derichebourg is preparing the final training materials required by the RRMP. The training materials will be completed by May 2, 2022. The training will be delivered to all employees involved in implementing this RRMP by May 10, 2022. The training materials will include the following:

1. Information about how the release of refrigerants into the atmosphere and the depletion of the ozone layer impact human health and contribute to climate change
2. An overview of the Clean Air Act Protection of Stratospheric Ozone regulations at 40 C.F.R. Part 82, Subpart F, and a detailed explanation of the requirements of 40 C.F.R. § 82.155 applicable to Derichebourg's recycling activities

3. A detailed explanation of the requirements of this Consent Decree and the related responsibilities of Derichebourg's personnel, including the requirements pertaining to the preparation and maintenance of documentation demonstrating compliance with the Consent Decree
4. A detailed explanation of the required elements of a Signed Statement and a Qualifying Contract, and instructions on the appropriate use of such Statements and Contracts
5. A detailed explanation of proper screening and management of EPA-Regulated Scrap, including but not limited to:
  - a. Identification of the various types of Regulated Scrap
  - b. Proper management of each type of Regulated Scrap, in accordance with regulatory requirements and the requirements of the Consent Decree
  - c. Proper use of Refrigerant recovery equipment, in accordance with 40 C.F.R. § 82.155(a)
  - d. Proper implementation of screening procedures
  - e. Proper verification that all Regulated Scrap, which no longer contains Refrigerant at the time of acceptance by a Facility, is accompanied by a Signed Statement or covered by a Qualifying Contract
  - f. A detailed explanation of the criteria for rejecting Regulated Scrap due to signs of venting and the proper procedures for utilizing the Notice to non-QC Supplier (Attachment 9)

## 10.0 RECORD KEEPING

Records that will be kept to demonstrate compliance with the Consent Decree are described below:

1. **Qualifying Contracts:** Each facility will have signed copies of Qualifying Contracts (Attachment 2) for all QC Suppliers that sell to that facility
2. **Scale Ticket** (Attachment 6) records
  - a. Each transaction involving EPA-Regulated Scrap identified by the Scale Operator or Inspector
  - b. Whether transaction was with a QC Supplier or non-QC Supplier
3. **EPA-Regulated Scrap Inspection Checklist** (Attachment 7) records the supplier information plus
  - a. For QC Suppliers, receipt of the type(s) of non-compliant scrap that contains refrigerant or is suspected of being vented. This information prompts a notice being sent to the QC Supplier reminding them of their responsibility to recover refrigerants and the prohibition against venting refrigerants to the atmosphere.
  - b. For non-QC Suppliers
    - i. Whether a Signed Statement was received from the Supplier
    - ii. Whether EPA-Regulated Scrap was accepted or rejected
    - iii. If rejected, the reason for the rejection
    - iv. Delivery of the Refrigerant Recovery Notice
4. **Signed Statements** (Attachment 8) from non-QC Supplier indicating
  - a. Date and name of person that performed the refrigerant recovery
  - b. Supplier is unaware if refrigerant has been recovered or refrigerant has not been recovered
5. **Post-Inspection Refrigerant Discovery Form** – Attachment 10
6. **Daily Incident Summary** – Attachment 11. For each facility
  - a. Number of notices sent to QC Suppliers regarding non-compliant scrap and the reason the scrap was judged to be non-compliant
  - b. Number of Signed Statements accepted from non-QC Suppliers
  - c. Number of incidents when EPA-Regulated Scrap from a non-QC Supplier was rejected and the Supplier was provided a Notice of refrigerant recovery requirements.
7. **Correspondence** between Buyers and QC Suppliers notifying Supplier of scrap judged to be non-compliant

8. **Daily Refrigerant Recovery Logs** that record
  - a. For refrigerants recovered by Rapid Recovery®, date, type, and amount of refrigerant recovered, and the facility where it was recovered
  - b. For refrigerants recovered by Derichebourg, each refrigerant recovery is recorded on a Refrigerant Removal Verification Statement. The amounts and types of refrigerants recovered will be provided by Rapid Recovery® when they are asked to remove the refrigerants from a facility.

## **11.0 COMPLIANCE OVERSIGHT**

### **11.1 COMPLIANCE MONITORING**

Roles and responsibilities for monitoring Derichebourg's compliance with the Consent Decree are described below:

**1. CEO**

- a. Overall responsibility for compliance
- b. Authority to address a supplier's QC Supplier status for repeated incidents involving non-compliant scrap. Options include
  - i. Revoke Supplier's QC Supplier status
  - ii. Submit compliance questionnaire requiring QC Supplier to document compliance with venting prohibition and refrigerant recovery requirements
  - iii. Require visit to QC Supplier's facility by EHS&S Manager and/or third-party environmental consultant to conduct compliance audit
- c. Approval authority for suggested changes or improvements to the RRMP

**2. Buyers**

- a. Obtain signed Qualifying Contracts for all new QC Suppliers
- b. Notify QC Suppliers of each incident involving non-compliant scrap
- c. Maintain a current list of QC Suppliers and their contact information

**3. EHS&S Manager**

- a. Reviews refrigerant management documentation for all facilities on a daily basis to monitor for compliance
- b. Reports regularly to CEO any difficulties with implementation of this RRMP and incidents of non-compliance
- c. Provides the CEO recommendations for improving the RRMP

**4. Operations Manager**

- a. Reviews refrigerant management documentation for all facilities on a daily basis to monitor for compliance
- b. Reports regularly to CEO and EHS&S Manager any difficulties with implementation of this RRMP and incidents of non-compliance
- c. Provides the CEO and EHS&S Manager recommendations for improving the RRMP

**5. Yard Supervisor at each facility**

- a. Reviews refrigerant management documentation for his/her facility on a daily basis to monitor for compliance



- b. Reports regularly to Operations Manager any difficulties with implementation of this RRMP and incidents of non-compliance
- c. Provides the Operations Manager recommendations for improving the RRMP

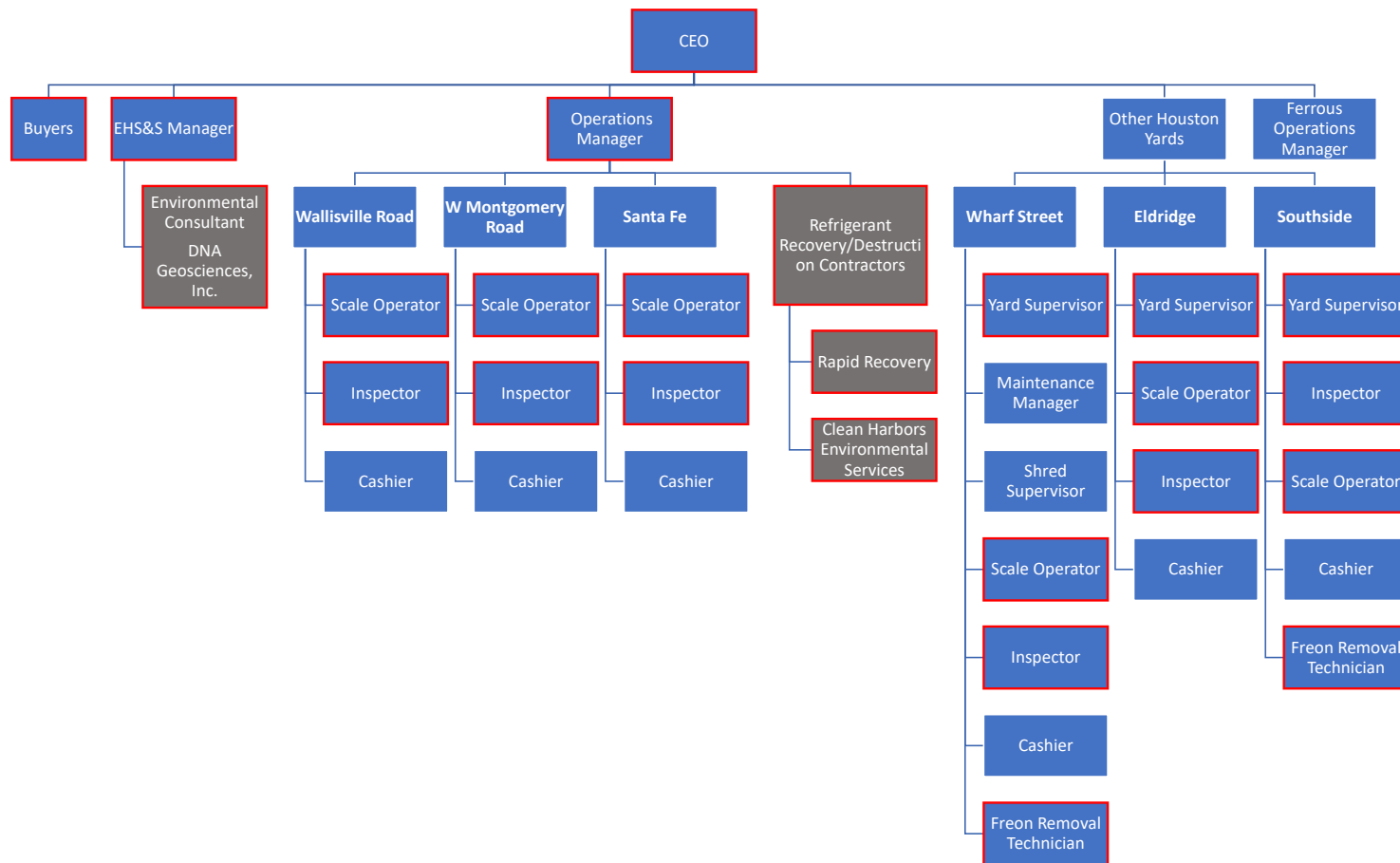
## **11.2 RRMP REVIEW AND REVISION**

The RRMP's functionality and effectiveness in achieving compliance will initially be reviewed on a weekly basis by the CEO, EHS&S Manager, and Operations Manager. This document will be viewed as a living document subject to change as problematic issues or conditions are identified and resolved. The EHS&S Manager will be responsible for modifying the RRMP as warranted. Any changes to the RRMP, SOPs, or forms will be promptly communicated to affected personnel by the EHS&S Manager.

## **12.0 REFERENCES**

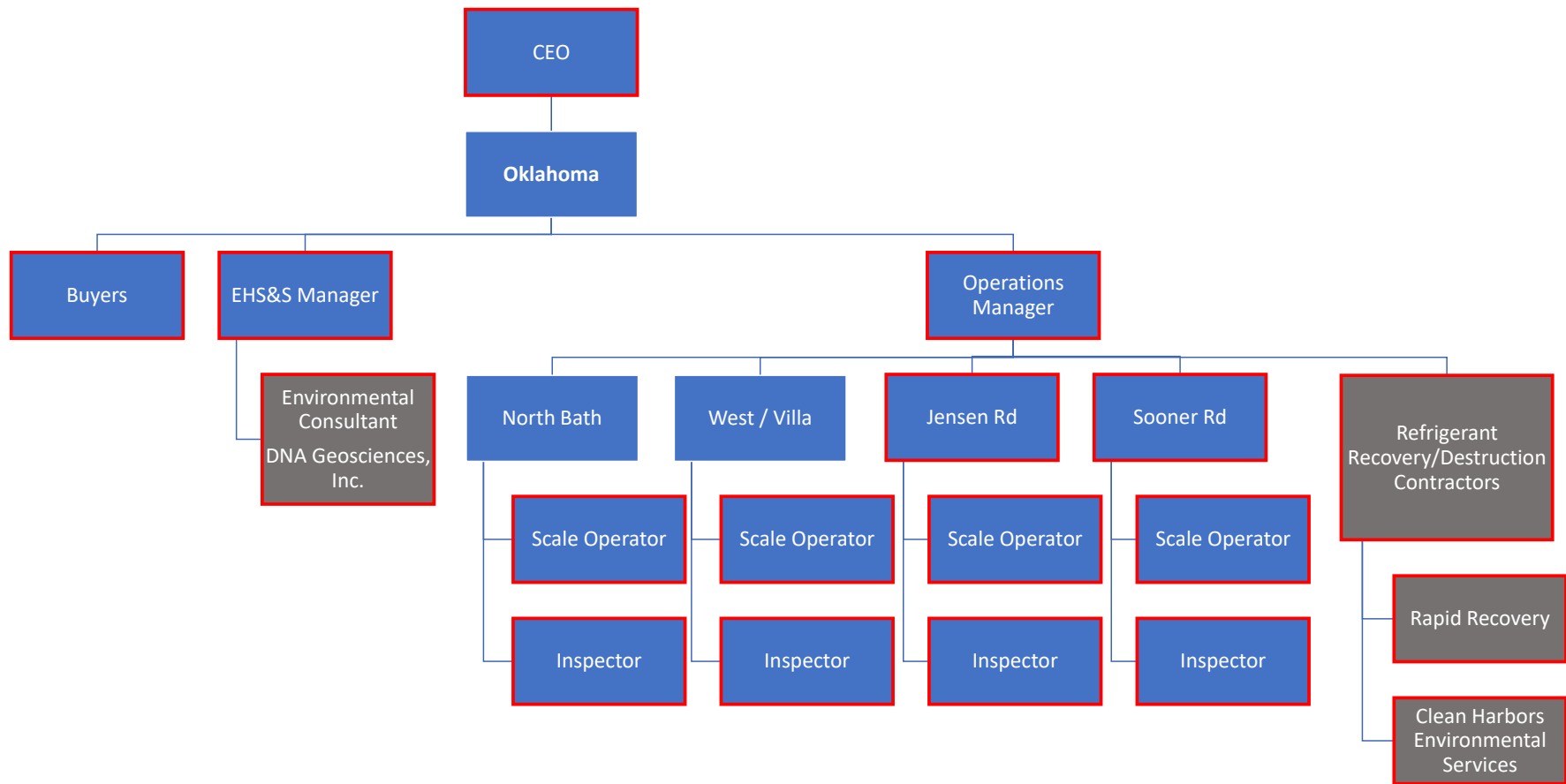
U.S. EPA, 1996. *U.S. Environmental Protection Agency Applicability Determination Index*,  
*Control Number: C040001*, 08/27/1996.

**Figure 1**  
**Derichebourg Recycling USA**  
**Organizational Chart, Houston Area Facilities**



Note: Positions highlighted with a red outline indicate parties that have a role in implementing the Mitigation Project.

**Figure 2**  
**Derichbourg Recycling USA**  
**Organizational Chart, Oklahoma Facilities**



Note: Positions highlighted with a red outline indicate parties that have a role in implementing the Mitigation Project.

## **ATTACHMENT 1**

### **U.S. EPA APPLICABILITY DETERMINATION #57**



## U.S. Environmental Protection Agency Applicability Determination Index

---

**Control Number: C040001**

**Category:** CFC  
**EPA Office:** OECA  
**Date:** 08/27/1996  
**Title:** Safe Disposal of Appliances  
**Recipient:** Tom Tyler  
**Author:** Elliott Gilberg  
**Comments:** See related determination filed as ADI Control No. 608-8.

---

**Subparts:** Part 82, F, Recycling and Emissions Reduction

---

**References:** 82.156(f)

---

**Abstract:**

Q: There are instances in which small appliances, motor vehicle air conditioning (MVAC), and MVAC-like appliances arrive at a disposal facility and the disposal facility is uncertain whether EPA would consider these appliances subject to the disposal regulations of 40 CFR section 82.156(f). Would the following circumstances result in appliances being subject to the safe disposal regulations:

(1) receipt of an appliance in which some components of the refrigerant circuit have been removed; (2) receipt of portions of the refrigerant circuit (e.g., compressor); (3) receipt of an appliance in which the entire refrigerant circuit has been removed; or (4) receipt of an appliance which has previously been through a process in which refrigerant would have been released or recovered?

A: Activities (1) and (2), as described above, would be subject to the safe disposal regulations. Activities (3) and (4), as described above, would not be subject to the safe disposal regulations.

---

**Letter:**

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

AUG 27 1996

OFFICE OF  
ENFORCEMENT AND  
COMPLIANCE ASSURANCE

Mr. Tom Tyler  
Institute of Scrap Recycling Industries, Inc.  
1325 G. Street, N.W.  
Suite 1000  
Washington, DC 20005-3104

Dear Mr. Tyler:

Attached please find a copy of Applicability Determination #57 addressing section 608 and the safe disposal regulations. If you have any questions, please contact Ms. Dawn Banks-Waller at (202) 564-7034 or Ms. Leslie Oif at (202) 564-2291.

Sincerely;

/ S /

Elliott Gilberg, Director  
Chemical, Commercial Services and Municipal Division

Record Number 57

Key Words disposal appliance

References 82.156(f)

Question: There are instances in which small appliances, MVAC and MVAC-like appliances (hereafter referred to as "appliances") arrive at a disposal facility and the disposal facility is uncertain whether EPA would consider these appliances subject to the disposal regulations of 82.156(f). Would the following circumstances result in appliances being subject to the safe disposal regulations:

- (1) receipt of an appliance in which some components of the refrigerant circuit have been removed;
- (2) receipt of portions of the refrigerant circuit (e.g., compressor);
- (3) receipt of an appliance in which the entire refrigerant circuit has been removed; or,
- (4) receipt of an appliance which has previously been through a process in which refrigerant would have been released or recovered?

Answers: Section 82.156(f)(2) states that persons who take the final step in the disposal process must either recover remaining refrigerant or verify that refrigerant has been evacuated previously. Such verification must include a signed statement from the person from whom the appliance is obtained that all refrigerant that had not leaked previously has been recovered, from the appliance. This statement must include the name and address of the person who recovered the refrigerant and the date the refrigerant was recovered, or rather than a certification statement, a person may obtain a contract stating that one party has the responsibility to recover refrigerant from the equipment before delivery.

The circumstances presented in the questions above have been addressed previously in Applicability Determination #8 dated August 6, 1993. In that Applicability Determination, EPA responded to the question of how "disposers comply with verification requirements where the refrigeration unit must have been removed from the appliance prior to delivery of the appliance." EPA stated that "[i]f such appliances contain several different components, and the component responsible for the refrigeration can be isolated and removed from the rest of the appliance, then the remaining parts are no longer subject to the requirements of the regulation in that they no longer contain a class I or class II substance used as a refrigerant." The answer provided in Applicability Determination #8 can be applied to the first and second questions presented above.

- (1) Receipt of an appliance in which some components of the refrigerant circuit have been removed;

If a disposal facility receives an appliance in which some of the components of the refrigerant circuit have been removed (e.g., the compressor), EPA believes that these types of appliances are subject to the safe disposal regulations. As addressed in Applicability Determination #8, if all refrigerant circuit components can be isolated and removed then the remaining parts are no longer subject to the safe disposal regulations. In the scenario presented above, portions of the refrigerant circuit remain in the appliance and not all the components have been isolated and removed. Therefore, the appliance continues to meet the regulatory definition of an appliance as a device which contains or uses a class I or class II refrigerant. Therefore, an appliance with portions of the refrigerant circuit remaining is subject to the safe disposal regulations.

(2) Receipt of portions of the refrigerant circuit (e.g., compressor)

If a disposal facility receives portions of the refrigerant circuit (e.g., the compressor) rather than the appliance shell, EPA believes that the refrigerant system is an appliance as it is a "device which contains or uses a class I or class II substance as a refrigerant." Therefore, the person who takes the final step for that refrigerant system must comply with the safe disposal requirements.

(3) Receipt of an appliance in which the entire refrigerant circuit has been removed

If a disposal facility receives an appliance in which the entire refrigerant system has been removed, EPA believes that these appliances are not subject to the safe disposal regulations. They are no longer appliances which contain or use a refrigerant. However, if the disposal facility is not certain that the entire refrigerant system has been removed or has no basis to believe that the appliance is an empty shell, then the facility should obtain a verification statement.

(4) Receipt of an appliance which has previously been through a process in which refrigerant would have been released or recovered.

If a disposal facility receives an appliance which has been put through a process in which refrigerant should have been previously recovered to avoid a release during processing or the refrigerant was otherwise released during that processing, EPA believes that these appliances are no longer subject to the safe disposal regulations. For example, appliances that have been crushed, flattened or otherwise demolished are no longer considered subject to the safe disposal requirements. The person responsible for compliance with the safe disposal regulations is the entity upstream that conducted the processing where the appliance was crushed, flattened or otherwise demolished and where the refrigerant would have been previously recovered in accordance with the regulations.



## **ATTACHMENT 2**

### **NOTICE TO QC SUPPLIERS / QUALIFYING CONTRACT**



March 31, 2022

To: Qualifying Contract Suppliers to Derichebourg Recycling USA

SUBJECT: Refrigerant Recovery Requirements for Final Processing of Appliances and Vehicle Air Conditioners

Derichebourg Recycling USA is a **final processor** in the scrap metal recycling process. The Clean Air Act Amendments of 1990 require that all refrigerants be recovered from scrap before final processing to prevent the release of CFC (chlorofluorocarbon) and HCFC (hydrochlorofluorocarbon) refrigerants to the atmosphere. This requirement was prompted by the discovery in 1986 that refrigerants were responsible for the destruction of the earth's ozone layer. The ozone layer functions as earth's sunscreen protecting the planet from the sun's harmful ultraviolet radiation. Degradation of the earth's ozone layer contributes to higher incidences of cancer and cataracts, and to global warming.

As a **Qualifying Contract Supplier**, you are a partner with Derichebourg in the responsible management of refrigerants. Derichebourg relies on you to recover and reclaim refrigerants in accordance with federal regulations. We are updating our contracts with our Suppliers. Please sign and return the attached document: ***Demanufacturing Process Required by All Auto Body & Industrial/Home Appliance Sellers, Certification by Contract***. Please sign and return the form by April 15, 2022.

For questions or more information, please call your normal point of contact with Derichebourg, or call Zac Emmons at (713) 875-7691.

Sincerely,

Zac Emmons

Environmental, Health, Safety and Security Manager

Derichebourg Recycling USA



31 de marzo de 2022

PARA: Proveedores de Contrato Calificado para Derichebourg Recycling USA

ASUNTO: Requisitos de recuperación de refrigerante para el procesamiento final de aparatos electrodomesticos y acondicionadores de aire de vehículos

Derichebourg Recycling USA es un **procesador final** en el proceso de reciclaje de chatarra. Las enmiendas a la ley del aire limpio de 1990 requieren que todos los refrigerantes sean recuperados de la chatarra antes del procesamiento final para prevenir la liberación de refrigerantes CFC (clorofluorocarbono) y HCFC (hidroclorofluorocarbono) a la atmósfera. Este requisito fue impulsado por el descubrimiento en 1986 de que los refrigerantes eran responsables de la destrucción de la capa de ozono de la tierra. La capa de ozono funciona como el protector solar de la Tierra que protege al planeta de la dañina radiación ultravioleta del sol. La degradación de la capa de ozono de la tierra contribuye a una mayor incidencia de cáncer y cataratas, y al calentamiento global.

Como **proveedor contractual calificado**, usted es socio de Derichebourg en la administración responsable de refrigerantes. Derichebourg confía en usted para recuperar refrigerantes de acuerdo con las regulaciones federales. Estamos actualizando nuestros contratos con nuestros Proveedores. Por favor, firme y devuelva el documento adjunto: ***Demanufacturing Process Required by All Auto Body & Industrial/Home Appliance Sellers, Certification by Contract.*** Por favor firme y devuelva el formulario antes del 15 de abril de 2022.

Para preguntas o para más información, llame a su punto de contacto normal con Derichebourg, o llame a Zac Emmons al (713) 875-7691.

Sinceramente,

Zac Emmons

Environmental, Health, Safety and Security Manager

Derichebourg Recycling USA



## **DEMANUFACTURING PROCESS REQUIRED BY ALL AUTO BODY & INDUSTRIAL/HOME APPLIANCES SELLERS CERTIFICATION BY CONTRACT**

In order to ensure protection of the environment from major spills, releases of pollutant material and ensure the safety of Derichebourg Recycling USA Inc., personnel including crusher crews during auto crushing operations, as well as metal inspectors, shear and shredder operators when recycling auto bodies and industrial/home appliances, Derichebourg Recycling USA, Inc., requires the removal of CFCs, HCFCs, and HFCs, as defined in 40 CFR Part 82 and all "substances of concern" listed below. This demanufacturing process requires all customers and sellers to complete the removal of all "substances of concern" prior to the auto crusher operations and metal recycling processes at the customer's site and/or prior to receiving auto bodies and industrial/home appliances at any Derichebourg Recycling USA Inc., yard:

- Removal of all Batteries
- Removal of all Mercury Switches
- Removal of all fluids, to include but not limited to:
  1. Gasoline
  2. Oils
  3. Coolants
  4. Brake Fluid
  5. Radiator Fluid
  6. Radiator Fluid
- CFC (Chlorofluorocarbon) Refrigerants from all vehicles and appliances

Seller certifies that all "substances of concern" listed above, and all other contaminants regulated by local, state, and federal regulatory agencies, have been removed from the auto bodies and industrial/home appliances prior to the beginning of the car crushing and metal recycling processes by Derichebourg

Recycling USA Inc. In addition, Seller certifies that all non-exempt refrigerant (including but not limited to chlorofluorocarbons (CFCs), hydrochlorofluorocarbons (HCFCs) and hydrofluorocarbons (HFCs), as defined in 40 CFR Part 82, Subpart F, pursuant to the Clean Air Act Amendments), that has not leaked previously will be recovered from appliances to be delivered under this contract of sale prior to delivery. Seller further certifies that Seller either will recover any remaining non-exempt refrigerant from the appliance or shipment of appliances under this contract in accordance with 40 CFR Part 82.155(a) prior to delivery or verify that the non-exempt refrigerant had been properly recovered prior to receipt by the Seller. Seller further agrees to indemnify and hold Derichebourg Recycling USA, Inc., harmless from any claim, penalty, fine, fee, cost, attorney's fees, or other liability resulting in whole or in part from seller's breach of this certification.

**AUTHORIZED SELLER'S NAME:** \_\_\_\_\_

**SELLER'S COMPANY NAME:** \_\_\_\_\_

**SELLER'S ADDRESS:** \_\_\_\_\_  
\_\_\_\_\_

**AUTHORIZED SIGNATURE:** \_\_\_\_\_

**DATE SIGNED:** \_\_\_\_\_

## **ATTACHMENT 3**

### **CONSENT DECREE DISTRIBUTION TO EMPLOYEES AND AGENTS**

## Distribution of Consent Decree to Derichebourg Employees, March 7, 2022

### EPA Consent Decree



EMMONS Zachary <zachary.emmons@derichebourg.com>

To CAPERTON Danny; EMMONS Zachary; LEONARD Philippe; DAVIS Jonathan;  
Accounting Derichebourg Recycling; NEWSOME Skyler; BROSSARD Sabrina; BURNOD Eric; **+30 others**  
Cc mdobson@dnageo.com

3/7/2022



 This message was sent with High importance.



DECREE.pdf  
348 KB



Derichebourg Recycling USA (DRU) is complying with a Consent Decree that has been negotiated with the U.S. EPA regarding refrigerant recovery at DRU's facilities in Texas and Oklahoma. Some of the scrap received at DRU's facilities contains refrigerants, such as Freon, that can damage the earth's ozone layer if they are released to the atmosphere. DRU is committed to managing refrigerants in an environmentally responsible manner and in compliance with applicable regulations. To comply with requirements of the Consent Decree, DRU is distributing a copy of the Consent Decree to employees that will be involved in its implementation. The attached Consent Decree is provided for your review so that you understand the changes that DRU will be implementing soon to manage scrap that may contain, or once contained, refrigerants.

---

This e-mail may be privileged and/or confidential, and the sender does not waive any related rights and obligations. Any distribution, use or copying of this e-mail or the information it contains by other than an intended recipient is unauthorized. If you received this e-mail in error, please advise me (by return e-mail or otherwise) immediately

Ce courriel est confidentiel et protégé. L'expéditeur ne renonce pas aux droits et obligations qui s'y rapportent. Toute diffusion, utilisation ou copie de ce message ou des renseignements qu'il contient par une personne autre que le (les) destinataire(s) désigné(s) est interdite. Si vous recevez ce courrier électronique par erreur, veuillez m'en aviser immédiatement.

## Distribution of Consent Decree to DNA Geosciences, Inc.

January 12, 2022: Consent Decree sent to Mark Dobson, DNA Geoscience, Inc., by Zac Emmons, Derichebourg Recycling USA.

DECREE



EMMONS Zachary <zachary.emmons@derichebourg.com>  
To mdobson@dnageo.com



Reply

Reply All

Forward



Wed 1/12/2022 4:54 PM



20220112165613476.pdf  
348 KB

DECREE

This e-mail may be privileged and/or confidential, and the sender does not waive any related rights and obligations. Any distribution, use or copying of this e-mail or the information it contains by other than an intended recipient is unauthorized. If you received this e-mail in error, please advise me (by return e-mail or otherwise) immediately

Ce courriel est confidentiel et protégé. L'expéditeur ne renonce pas aux droits et obligations qui s'y rapportent. Toute diffusion, utilisation ou copie de ce message ou des renseignements qu'il contient par une personne autre que le (les) destinataire(s) désigné(s) est interdite. Si vous recevez ce courrier électronique par erreur, veuillez m'en aviser immédiatement.



## Distribution of Consent Decree to Rapid Recovery®, Part of A-Gas

March 2, 2022: Consent Decree sent to Bray Melson and Daniel Soto of Rapid Recovery® by Mark Dobson, DNA Geoscience, Inc.

**From:** [Mark Dobson](#)  
**To:** ["bray.melson@raprec.com"](mailto:bray.melson@raprec.com)  
**Cc:** ["CAPERTON Danny"](#); ["EMMONS Zachary"](#); ["LEONARD Philippe"](#); ["daniel.soto@raprec.com"](mailto:daniel.soto@raprec.com); [mwood@dnageo.com](mailto:mwood@dnageo.com)  
**Subject:** Derichebourg Recycling USA / U.S. EPA Consent Decree  
**Date:** Wednesday, March 2, 2022 12:35:00 PM  
**Attachments:** [DRU EPA Consent Decree.pdf](#)  
[Rapid Recovery contract.docx](#)

---

Bray,

Derichebourg Recycling USA (DRU) is complying with a Consent Decree that has been negotiated with the U.S. EPA regarding refrigerant recovery at DRU's recycling facilities. A copy of the Consent Decree is attached for your information. To comply with requirements of the Consent Decree, DRU would like to establish a contractual relationship with Rapid Recovery / A-Gas for refrigerant recovery, recycling, and destruction. For all refrigerants other than R-12, I have drafted a basic services contract that I sent to Daniel Soto earlier this morning. A copy of that contract is attached to this email.

We will need a second contract that specifically addresses R-12. The Consent Decree requires that DRU develop an **Environmental Mitigation Project Plan** regarding R-12. The requirements for the Environmental Mitigation Project are provided on pages 17 and 18 of the Consent Decree. Any R-12 received by DRU must be recovered and destroyed. The Consent Decree requires that DRU have a contract in place for this service. I plan to prepare a contract similar to the one attached for other refrigerants. It would be helpful for me to know soon if the attached contract is acceptable to Rapid Recovery / A-Gas, or if any changes are needed, so I can incorporate any possible modifications in the second contract.

Within the next couple of weeks, I will be submitting the Mitigation Project Plan to the EPA. I will need information from A-Gas for the Plan. An initial list of questions is provided below. I will probably have additional questions as I proceed with writing the Plan.

1. I need a statement from A-Gas that it has the capability to destroy R-12 at the Bowling Green facility.
2. What is the destruction method? I don't need a lot of details. I just need to know which one of the EPA-approved methods is being used.
3. What is the EPA certification number for the facility?
4. Who will be the A-Gas point of contact to notify when DRU receives R-12?
5. What is the timeframe for storage, transportation, and destruction of the R-12? Will the timeframe be different for facilities in Texas and Oklahoma?
6. How is the R-12 transported?
7. Can A-Gas provide documentation of the amount and date of destruction?
8. I will need pricing for the services to be provided in Texas and Oklahoma. The addresses for DRU's 10 facilities are listed in the attached draft contract.

Note that DRU is required to provide a copy of the Consent Decree to any contractor retained to perform work required by the Consent Decree. This email fulfills that requirement.

Please forward this email and attachments to someone that can help with the requested information. My contact information is provided below. It's generally easiest to reach me on my cell phone: 210-393-3721.

Thanks for your help!

[Mark Dobson](#), P.G., Principal

## Distribution of Consent Decree to Clean Harbors Deer Park LLC

March 28, 2022: Consent Decree sent to Paul Bernard and Jaime Flores, Clean Harbors, by Mark Dobson, DNA Geoscience, Inc.

RE: DRU Consent Decree R-12 disposal.




Mark Dobson <mdobson@dnageo.com>

To 'ewolff@dnageo.com'

Cc 'Flores.Jaime@cleanharbors.com'; 'Bernard.Paul@cleanharbors.com'; mwood@dnageo.com



Mon 7:36 PM

 You replied to this message on 3/29/2022 9:07 AM.



DRU EPA Consent Decree.pdf  
2 MB

Jamie,

Derichebourg Recycling USA (DRU) is complying with a Consent Decree that has been negotiated with the U.S. Department of Justice and the EPA regarding refrigerant recovery at DRU's recycling facilities. A copy of the Consent Decree is attached. To comply with requirements of the Consent Decree, DRU would like to establish a contractual relationship (or pricing agreement) with Clean Harbors for the transportation and destruction of R-12, also known as CFC-12 or Freon-12. R-12 is an ozone-depleting gas, Waste Code U075. Clean Harbors operates a waste incinerator in La Porte TX that is recognized by EPA as qualified to destroy R-12.

The Consent Decree requires that DRU implement an **Environmental Mitigation Project** regarding R-12. The Consent Decree requires DRU to undertake actions and incur expenditures that are required to implement the Mitigation Project. The requirements for the Environmental Mitigation Project are provided on pages 17 and 18 of the Consent Decree. Any R-12 received by DRU must be recovered and destroyed. The Consent Decree nullifies any potential value of the R-12 for recycling or carbon offset credits. DRU has 10 facilities: 6 in the Houston Area and 4 in Oklahoma City. A 30-pound R-12 refrigerant cylinder will be stored at each of DRU's facilities. R-12 will be recovered until a sufficient volume has accumulated to warrant destruction, at which time Clean Harbors will be contacted to pick up, transport, and destroy the R-12. The requested services are described in more detail below.

1. **Transportation:** Upon request by DRU, Clean Harbors will pick up a 30-lb refrigerant cylinder from a DRU facility and transport the cylinder in accordance with State, Federal, and local regulations to Clean Harbors' waste incinerator in La Porte TX. Because we do not know which facilities will accumulate R-12, the pricing for this service can be "To be determined" at the time the transportation is requested. Alternatively, you may opt to provide a mileage rate for the transportation. Assume one 30-lb cylinder will be transported once per year from a single facility.
2. **Destruction:** Assume a full 30-pound cylinder of R-12 will be incinerated. DRU will need documentation of the amount and date of the R-12 destruction for reporting to the EPA.

Note that DRU is required to provide a copy of the Consent Decree to any contractor retained to perform work required by the Consent Decree. This email fulfills that requirement.

I will call you tomorrow morning to answer any questions you may have. Thanks for your help!

**Mark Dobson**, P.G., Principal  
Texas Licensed P.G. # 55  
**DNA Geosciences, Inc.**

## **ATTACHMENT 4**

### **RAPID RECOVERY® CONTRACT**

## Refrigerant Recovery Service Agreement

This Service Agreement (the "**Agreement**") is entered into March 4, 2022 (the "**Effective Date**") by and between Derichebourg Recycling USA (the "**Customer**") located at 7501 Wallisville Road, Houston, Texas 77020 and Rapid Recovery (the "**Service Provider**") located at 4402 Rex Road, Friendswood, Texas 77546, also individually referred to as the "**Party**", and collectively the "**Parties**".

1. **Services.** The Service Provider shall perform the services listed in this Section 1 (the "Services").

1.1. Refrigerant recovery by Service Provider:

1.1.1. As requested by Customer, Service Provider will provide labor, equipment, and supplies to recover refrigerants from refrigerators (UNITS) at Customer's facilities located at:

1.1.1.1. TEXAS FACILITIES

- 1.1.1.1.1. 7501 Wallisville Rd., Houston, Texas, 77020
- 1.1.1.1.2. 8202 West Montgomery Rd., Houston, Texas 77041
- 1.1.1.1.3. 1 Wharf St., in Houston, Harris County, Texas 77012
- 1.1.1.1.4. 6648 N. Eldridge Pkwy, Houston Texas 77041
- 1.1.1.1.5. 13319 FM 1764 Rd., Santa Fe, Texas 77510
- 1.1.1.1.6. 3515 Almeda Genoa Rd., Houston, Texas 77047

1.1.1.2. OKLAHOMA FACILITIES

- 1.1.1.2.1. 900 N. Villa Ave., Oklahoma City, Oklahoma 73117
- 1.1.1.2.2. 3605 E. Jensen Rd., El Reno, Oklahoma 73036
- 1.1.1.2.3. 17650 S. Sooner Rd., Norman, Oklahoma 73071
- 1.1.1.2.4. 100 N. Bath Ave., Oklahoma City, Oklahoma 73117

1.1.2. For all refrigerants except R-12, Service Provider will remove the refrigerants from Customer's facilities.

1.1.3. For R-12, Service Provider will recover the refrigerant from the source and transfer the R-12 to a storage container provided by Customer. The R-12 storage container will remain at the facility for management by Customer.

1.2. Refrigerant recovery by Customer

1.2.1. As needed, Service Provider will remove refrigerant storage containers from Customer's facilities in which Customer has stored refrigerants, other than R-12, recovered by Customer.

1.2.2. Service Provider will replace the removed refrigerant storage containers with empty refrigerant storage containers for Customer to store additional refrigerants.



**1.3. Refrigerant recycling or reclamation**

1.3.1. For all refrigerants recovered from Customer's facilities and refrigerators, other than R-12, Service Provider will recycle or reclaim the refrigerants in accordance with applicable federal regulations.

**1.4. Documentation:** As needed, Customer will request a record of the weights and types of refrigerants removed from each of Customer's facilities inclusive of refrigerants recovered by Customer, refrigerants recovered by Service Provider, and R-12 recovered and transferred to a storage container by Service Provider. The request will be submitted to: [support@raprec.com](mailto:support@raprec.com).

**2. Compensation.**

**2.1.** For R-12 recovery, the Compensation will be determined by Service Provider at the time of the recovery.

**2.2.** For facilities in Texas, Customer agrees to pay Service Provider \$10.00 / UNIT for refrigerant recovery other than R-12. Compensation for the Services will be based solely on the number of UNITS (refrigerators) from which Service Provider recovers refrigerant.

**2.3.** For facilities in Oklahoma, Customer agrees to pay Service Provider for recovery of refrigerants other than R-12:

2.3.1. For 150 or more UNITS:

2.3.1.1. \$8.00 / UNIT, plus

2.3.1.2. \$500.00 round-trip mileage

2.3.2. For fewer than 150 UNITS

2.3.2.1. \$10.00 / UNIT, plus

2.3.2.2. \$500.00 round-trip mileage

2.3.2.3. Customer will pay a minimum trip charge of \$1250.00 for Services provided for less than 150 UNITS

**3. Term.** The term of this Agreement shall commence on the Effective Date, as stated above, and continue for 2 years, unless otherwise terminated per the terms of this Agreement.

**4. Termination.**

**4.1.** Either Party may terminate the Agreement at any time upon 10 days prior written notice to the other Party. In the event the Customer terminates the Agreement, the Customer shall still remain obligated to pay the Service Provider for any Services performed up to the date of termination.

**5. Relationship of the Parties.**

**5.1. Independent Contractor.** The Service Provider is an independent contractor. Neither Party is an agent, representative, partner, or employee of the other Party.

6. **General.**

- 6.1. **Complete Contract.** This Agreement constitutes the Parties entire understanding of their rights and obligations. This Agreement supersedes any other written or verbal communications between the Parties. Any subsequent changes to this Agreement must be made in writing and signed by both Parties.
- 6.2. **Severability.** If any section of this Agreement is found to be invalid, illegal, or unenforceable, the rest of this Agreement will still be enforceable.
- 6.3. **Waiver.** Neither Party can waive any provision of this Agreement, or any rights or obligations under this Agreement, unless agreed to in writing. If any provision, right, or obligation is waived, it is only waived to the extent agreed to in writing.

7. **Notices.**

All notices under this Agreement must be sent by email with read receipt requested or by certified or registered mail with return receipt requested. Notices shall be sent as follows:

**Customer**

Danny Caperton

[danny.caperton@derichebourg.com](mailto:danny.caperton@derichebourg.com)

7501 Wallisville Road

Houston, Texas 77020

**Service Provider**

Daniel Soto

[daniel.soto@raprec.com](mailto:daniel.soto@raprec.com)

4402 Rex Road

Friendswood, Texas 77546

The Parties agree to the terms and conditions set forth above as demonstrated by their signatures as follows:

**Customer:** Derichebourg Recycling USA

Signature:   
Zachary Emmons (Mar 25, 2022 08:35 CDT)

Name / Title: Zachary Emmons, EH&S Manager

Date: March 24, 2022

**Service Provider:** Rapid Recovery, Part of A-Gas

Signature:   
Daniel Soto (Mar 25, 2022 10:34 CDT)

Name / Title: Daniel Soto, Business Development Leader

Date: March 24, 2022

**ATTACHMENT 5**

**SOP R: MANAGEMENT OF EPA-REGULATED SCRAP**



# QES System

## Standard Operating Procedure

### SOP R

#### Management of EPA-Regulated Scrap

---

Revision 01 Page 1 of 4

## 1. SCOPE

- 1.1. This procedure provides the required steps for management of EPA-Regulated Scrap that may be received at Derichebourg facilities.
- 1.2. This procedure does not apply to R-12. Any R-12 that may be received at Derichebourg facilities must be managed in accordance with SOP R-12.
- 1.3. The procedure provided in this document is approved by Process Owner and Management Representative (MR) when this document is placed on the shared drive.

## 2. PROCESS OBJECTIVE

- 2.1. To identify EPA-Regulated Scrap and ensure its management in accordance with Derichebourg policies and applicable regulations including:
  - 2.1.1. 40 C.F.R. § 82.154 regarding prohibition of venting of refrigerants
  - 2.1.2. 40 C.F.R. § 82.155 regarding safe disposal of appliances

## 3. RESPONSIBILITIES

- 3.1. **Development of SOP:** Operations Manager and EHS&S Manager
- 3.2. **Training:** EHS&S Manager and Operations Manager
- 3.3. **Implementation of SOP:**

### 3.3.1. Operations Manager:

- 3.3.1.1. Provide training to Inspectors and Yard Supervisors regarding identification of EPA-Regulated Scrap and this SOP.
- 3.3.1.2. Coordinate and schedule third-party refrigerant recovery contractor recovery as needed
- 3.3.1.3. Monitor compliance with this SOP
- 3.3.1.4. Resolve problems with implementation or compliance with this SOP

### 3.3.2. EHS&S Manager:

- 3.3.2.1. Provide training to Inspectors and Yard Supervisors regarding identification of EPA-Regulated Scrap and this SOP
- 3.3.2.2. Monitor compliance with this SOP
- 3.3.2.3. Resolve problems with implementation or compliance with this SOP
- 3.3.2.4. Maintain records needed to show compliance with this SOP
- 3.3.2.5. Compile daily summary of activities related to refrigerant recovery and compliance with this SOP

# QES System

## Standard Operating Procedure

### SOP R

#### Management of EPA-Regulated Scrap

---

Revision 01 Page 2 of 4

#### 3.3.3. Yard Supervisors:

- 3.3.3.1. Ensure implementation and compliance of Scale Operator and Inspector with this SOP
- 3.3.3.2. Provide daily results of compliance actions to Operations Manager including completed Inspection Checklists, Signed Statements, and Post-Inspection Refrigerant Discovery Form

#### 3.3.4. Scale Operators:

- 3.3.4.1. Initiate scale ticket
- 3.3.4.2. Reject obvious non-compliant EPA-Regulated Scrap
- 3.3.4.3. Distribute Refrigerant Recovery Notice to non-QC Suppliers as warranted

#### 3.3.5. Inspectors:

- 3.3.5.1. Inspect incoming scrap to identify EPA-Regulated Scrap
- 3.3.5.2. Initiate EPA-Regulated Scrap Inspection Checklist
- 3.3.5.3. Obtain Signed Statements regarding refrigerant recovery from non-QC Suppliers
- 3.3.5.4. Distribute Refrigerant Recovery Notice to non-QC Suppliers as warranted
- 3.3.5.5. Mark and segregate scrap that is accepted and requires refrigerant removal
- 3.3.5.6. Document discovery of EPA-Regulated Scrap during scrap sorting and processing
- 3.3.5.7. Provide completed EPA-Regulated Scrap Inspection Checklist to Yard Supervisor

## 4. PROCEDURE – SCRAP RECEIVING

- 4.1. Scale Operator initiates scale ticket upon arrival of seller
- 4.2. If no EPA-Regulated Scrap (appliance or vehicle) is obvious to the Scale Operator, this SOP requires no further action by the Scale Operator regarding refrigerants.
- 4.3. If EPA-Regulated Scrap (appliances and/or vehicles) are obvious to the Scale Operator:
  - 4.3.1. Check “Yes” for EPA-Regulated Scrap under “Refrigerant Tracking” on the Scale Ticket
  - 4.3.2. Initiate EPA-Regulated Scrap Inspection Checklist. Fill out seller information.
  - 4.3.3. Determine if seller is QC Supplier and check “Yes” or “No” on Checklist
  - 4.3.4. Provide Scale Ticket and Checklist to driver and ask him/her to give both documents to Inspector

## 5. PROCEDURE – RECEIVING SCRAP INSPECTION

- 5.1. Inspector observes all incoming scrap deliveries for EPA-Regulated Scrap irrespective of whether or not Scale Operator initiated EPA-Regulated Scrap Checklist.
- 5.2. If no EPA-Regulated Scrap is observed, the SOP requires no further action by the Inspector regarding refrigerants.

# QES System

## Standard Operating Procedure

### SOP R

#### Management of EPA-Regulated Scrap

Revision 01 Page 3 of 4

#### 5.3. If EPA-Regulated Scrap is observed:

5.3.1. ACCEPT scrap if refrigerant circuit has been completely removed or if appliance/vehicle has been crushed, flattened, or otherwise demolished such that it can no longer contain refrigerant.

5.3.1.1. If Scale Operator had initiated EPA-Regulated Scrap Inspection Checklist, this form does not need to be retained.

5.3.1.2. No further action is required by this SOP

5.3.2. If appliance or vehicle has intact or partial refrigerant circuit, Inspector provides seller the Signed Statement Form to complete. This form must be completed before Inspector can decide if scrap can be accepted.

5.3.2.1. Option 1: ACCEPT scrap if seller provides refrigerant recovery information. Retain Signed Statement.

5.3.2.2. Option 2: ACCEPT scrap if seller indicates all refrigerant in the appliance or vehicle has leaked out prior to delivery. Retain Signed Statement.

5.3.2.3. Option 3. REJECT scrap if seller does not know if refrigerants were properly recovered or believes refrigerant still needs to be recovered. Provide seller Refrigerant Recovery Notice and retain Signed Statement.

#### 6. PROCEDURE – POST-INSPECTION REFRIGERANT DISCOVERY

6.1. If EPA-Regulated Scrap is discovered during sorting or other processing, Inspector initiates Post-Inspection Refrigerant Discovery Form.

6.2. This scrap should have been rejected. Describe in comments condition(s) that led to acceptance of the scrap.

6.3. If refrigerant system is intact, Inspector marks appliance or vehicle indicating refrigerant recovery is required prior to shredding.

#### 7. RECORD KEEPING

##### 7.1. Inspector submits to Yard Supervisor:

7.1.1. All Scale Tickets with Refrigerant Tracking information

7.1.2. Completed EPA-Regulated Scrap Inspection Checklists

7.1.3. Completed Post-Inspection Refrigerant Discovery Forms

7.2. Yard Supervisor reviews incidents of EPA-Regulated Scrap management and completed forms to assess compliance with this SOP.

7.3. Yard Supervisor conveys all documentation to Operations Manager daily.

# QES System

## Standard Operating Procedure

### SOP R

#### Management of EPA-Regulated Scrap

---

Revision 01 Page 4 of 4

#### 7.4. Operations Manager:

- 7.4.1. Schedules third-party refrigerant recovery contractor as needed.
- 7.4.2. Reviews refrigerant management forms to assess compliance with SOP.
- 7.4.3. Forwards all refrigerant management forms to EHS&S Manager.

#### 7.5. EHS&S Manager:

- 7.5.1. Reviews refrigerant management documentation to assess compliance with this SOP.
- 7.5.2. Compiles daily record of refrigerant management incidents required for Semi-Annual Report to EPA.
- 7.5.3. Notifies Buyer(s) of incidents that prompt sending a QC Supplier a Notice of Refrigerant Recovery requirements. This is required when a QC Supplier delivers scrap that contains refrigerants or scrap suspected of being vented. Provide EPA-Regulated Scrap Inspection Checklist documenting incident.

**ATTACHMENT 6**

**FORM: SCALE TICKET**



DERICHEBOURG RECYCLING USA  
7501 Wallisville Road - Houston, TX  
Phone: 713-675-2281  
Fax: 713-675-2285

**TICKET NO.      DATE**

INBOUND WALLISVILLE

DATE

TIME

PAGE 1

SUBCONTRACT

PURCH CONTRACT: \_\_\_\_\_

SUPPLIER: \_\_\_\_\_

ORIGIN: \_\_\_\_\_

GROSS: \_\_\_\_\_ LBS

TARE: \_\_\_\_\_ LBS

NET WEIGHT: \_\_\_\_\_ LBS

MLS \_\_\_\_\_ HOUR: \_\_\_\_\_ DRIVER: \_\_\_\_\_

B/L: \_\_\_\_\_ : FR \_\_\_\_\_ INITIAL LOC.: \_\_\_\_\_ CARRIER: \_\_\_\_\_

TRUCK: \_\_\_\_\_ TRAILER: \_\_\_\_\_ SKIP: \_\_\_\_\_ SKIP REM: \_\_\_\_\_

DISCOUNT: \_\_\_\_\_ DEDUCTION: \_\_\_\_\_

**REFRIGERANT TRACKING**

EPA-REGULATED SCRAP INCLUDED? ☐ YES ☐ NO

IF YES:

QUALIFIED CONTRACT SUPPLIER? ☐ YES ☐ NO

FOR QUALIFIED CONTRACT SUPPLIER, SCRAP INCLUDED: ☐ INTACT REFRIGERANT SYSTEMS  
☐ INCOMPLETE REFRIGERANT SYSTEMS

FOR NON-QC SUPPLIER: ☐ SIGNED REFRIGERANT REMOVAL STATEMENT ACCEPTED

☐ EPA-REGULATED SCRAP REJECTED, REFRIGERANT RECOVERY NOTICE PROVIDED

**GRADE**

**NET WEIGHT**

DEMANUFACTURING PROCESS REQUIRED BY ALL AUTO BODY & INDUSTRIAL/HOME APPLIANCE SELLERS, CERTIFICATION BY CONTRACT: In order to ensure protection of the environment, releases of pollutant material and ensure the safety of Derichebourg Recycling USA personnel including crusher crews during auto crushing operations, as well as metal Inspectors, shear and shredder operators when recycling auto bodies and industrial/home appliances, Derichebourg Recycling USA, Inc., requires the removal of CFCs, HCFCs, and HFCs, as defined in 40 CFR Part 82. Seller certifies that all non-exempt refrigerant (including but not limited to chlorofluorocarbons (CFCs), hydrochlorofluorocarbons (HCFCs) and hydrofluorocarbons (HFCs), as defined by 40 CFR Part 82, Subpart F, pursuant to the Clean Air Act Amendments), that has not leaked previously will be recovered from appliances to be delivered under this contract of sale prior to delivery. Seller further certifies that Seller either will recover any remaining non-exempt refrigerant from the appliance or shipment of appliances under this contract in accordance with 40 CFR Part 82.155(a) prior to delivery or verify that the non-exempt refrigerant had been properly recovered prior to receipt by the Seller. Seller further agrees to immediately hold Derichebourg Recycling USA, Inc., harmless from any claim, penalty, fine, fee, cost, attorney fees, or other liability resulting in whole or in part from seller's breach of this certification.

I hereby certify that I have the right to possess and sell this property.

Por medio de esta firma, atestiguo y verifico que yo soy el dueño de esta propiedad y tengo el derecho de poseerla y de venderla.

## **ATTACHMENT 7**

**FORM: EPA-REGULATED SCRAP INSPECTION CHECKLIST**



DERICHEBOURG RECYCLING USA  
 7501 Wallisville Road - Houston, TX  
 Phone: 713-675-2281  
 Fax: 713-675-2285

## EPA-REGULATED SCRAP INSPECTION CHECKLIST

### *To be completed when Inspector observes:*

1. EPA-regulated scrap with intact refrigerant system (scrap may contain refrigerants)
2. EPA-regulated scrap with incomplete refrigerant system (refrigerant may have been vented)

DATE: \_\_\_\_\_ TIME: \_\_\_\_\_

CUSTOMER NAME: \_\_\_\_\_

LICENSE# / TRUCK #: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

CITY: \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_

<b>COMMERCIAL ACCOUNT / QUALIFIED CONTRACT SUPPLIER?</b>																																																						
<input type="checkbox"/> <b>YES</b>			<input checked="" type="checkbox"/> <b>NO</b>																																																			
<b>Non-Compliant Scrap</b>			Signed Statement received? <input type="checkbox"/> Yes <input type="checkbox"/> No EPA-Regulated Scrap rejected? <input type="checkbox"/> Yes <input type="checkbox"/> No <b>If rejected, provide Refrigerant Recovery Notice.</b>																																																			
			<b>Rejected Scrap</b>																																																			
			Refrigerant system intact	Refrigerant system incomplete	Type	Type	Refrigerant system intact	Refrigerant system incomplete																																														
			<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: center; width: 10%;"> <input type="checkbox"/> </td> <td style="text-align: center; width: 10%;"> <input type="checkbox"/> </td> <td style="text-align: center; width: 10%;"> <input type="checkbox"/> </td> <td style="text-align: center; width: 30%;">AUTOMOBILES</td> <td style="text-align: center; width: 10%;"> <input type="checkbox"/> </td> <td style="text-align: center; width: 10%;"> <input type="checkbox"/> </td> <td style="text-align: center; width: 10%;"> <input type="checkbox"/> </td> </tr> <tr> <td style="text-align: center;"> <input type="checkbox"/> </td> <td style="text-align: center;"> <input type="checkbox"/> </td> <td style="text-align: center;"> <input type="checkbox"/> </td> <td style="text-align: center;">REFRIGERATORS/FREEZERS</td> <td style="text-align: center;"> <input type="checkbox"/> </td> <td style="text-align: center;"> <input type="checkbox"/> </td> <td style="text-align: center;"> <input type="checkbox"/> </td> </tr> <tr> <td style="text-align: center;"> <input type="checkbox"/> </td> <td style="text-align: center;"> <input type="checkbox"/> </td> <td style="text-align: center;"> <input type="checkbox"/> </td> <td style="text-align: center;">AIR CONDITIONERS</td> <td style="text-align: center;"> <input type="checkbox"/> </td> <td style="text-align: center;"> <input type="checkbox"/> </td> <td style="text-align: center;"> <input type="checkbox"/> </td> </tr> <tr> <td style="text-align: center;"> <input type="checkbox"/> </td> <td style="text-align: center;"> <input type="checkbox"/> </td> <td style="text-align: center;"> <input type="checkbox"/> </td> <td style="text-align: center;">DEHUMIDIFIERS</td> <td style="text-align: center;"> <input type="checkbox"/> </td> <td style="text-align: center;"> <input type="checkbox"/> </td> <td style="text-align: center;"> <input type="checkbox"/> </td> </tr> <tr> <td style="text-align: center;"> <input type="checkbox"/> </td> <td style="text-align: center;"> <input type="checkbox"/> </td> <td style="text-align: center;"> <input type="checkbox"/> </td> <td style="text-align: center;">OTHER _____</td> <td style="text-align: center;"> <input type="checkbox"/> </td> <td style="text-align: center;"> <input type="checkbox"/> </td> <td style="text-align: center;"> <input type="checkbox"/> </td> </tr> <tr> <td style="text-align: center;"> <input type="checkbox"/> </td> <td style="text-align: center;"> <input type="checkbox"/> </td> <td style="text-align: center;"> <input type="checkbox"/> </td> <td style="text-align: center;">OTHER _____</td> <td style="text-align: center;"> <input type="checkbox"/> </td> <td style="text-align: center;"> <input type="checkbox"/> </td> <td style="text-align: center;"> <input type="checkbox"/> </td> </tr> <tr> <td style="text-align: center;"> <input type="checkbox"/> </td> <td style="text-align: center;"> <input type="checkbox"/> </td> <td style="text-align: center;"> <input type="checkbox"/> </td> <td style="text-align: center;">OTHER _____</td> <td style="text-align: center;"> <input type="checkbox"/> </td> <td style="text-align: center;"> <input type="checkbox"/> </td> <td style="text-align: center;"> <input type="checkbox"/> </td> </tr> </table>						<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	AUTOMOBILES	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	REFRIGERATORS/FREEZERS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	AIR CONDITIONERS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	DEHUMIDIFIERS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	OTHER _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	OTHER _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	OTHER _____
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	AUTOMOBILES	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																																																
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	REFRIGERATORS/FREEZERS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																																																
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	AIR CONDITIONERS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																																																
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	DEHUMIDIFIERS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																																																
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	OTHER _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																																																
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	OTHER _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																																																
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	OTHER _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																																																



## **ATTACHMENT 8**

**FORM: SIGNED STATEMENT, NON-QC SUPPLIERS**



**Demanufacturing Process Required by All Auto Body &  
Industrial/Home Appliance Sellers: Statement Regarding  
Refrigerant Recovery**

**Seller certifies that:** (check one)

- ☐ All non-exempt refrigerants (including but not limited to chlorofluorocarbons (CFCs) hydrochlorofluorocarbons (HCFCs), and hydrofluorocarbons (HFCs), as defined in 40 C.F.R. Part 82, Subpart F, pursuant to the Clean Air Act Amendments) that have not previously leaked out of the appliance(s) or vehicle(s) that is/are delivered under this sale have been recovered in accordance with 40 C.F.R. Part 82.155(a).

The non-exempt refrigerant has been recovered by:

(Individual or Company name) \_\_\_\_\_

Located at (address) \_\_\_\_\_

On (date of refrigerant recovery) \_\_\_\_\_

- ☐ I do not know if the appliance(s) or vehicle(s) delivered under this sale still contain(s) refrigerant,  
**OR** I believe that refrigerant may still need to be recovered from the appliance(s) or vehicle(s).

Seller further agrees to indemnify and hold Derichebourg harmless from any claim, penalty, fine, fee, cost, attorney's fees, or other liability resulting in whole or in part from seller's breach of this certification.

Seller: \_\_\_\_\_

Company: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip Code: \_\_\_\_\_

Authorized Signature: \_\_\_\_\_

Date Signed: \_\_\_\_\_

**ATTACHMENT 9**

**FORM: NOTICE TO NON-QC SUPPLIERS**

# HOW DO I RECYCLE A VEHICLE WITH AN AIR CONDITIONER OR AN APPLIANCE THAT USES REFRIGERANT?

## DO NOT CUT REFRIGERANT LINES

Deliver appliances and vehicles with the refrigerant lines intact. Derichebourg will safely and legally recover the refrigerant.

**-OR-**

Properly recover the refrigerant prior to delivery and provide the name and address of the person or company that recovered the refrigerant and the date it was recovered.

---

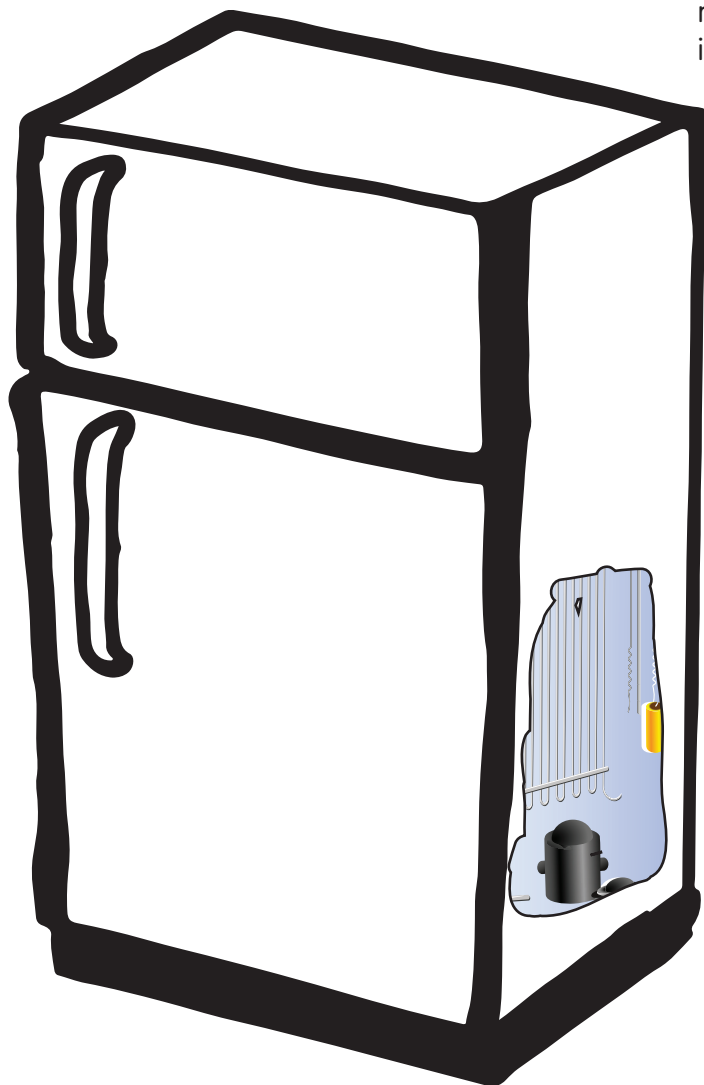
### ***Why must the refrigerant be recovered?***

Releasing refrigerant into the air:

- Is Illegal
- Destroys the Earth's Ozone Layer
- Contributes to Global Warming

### ***Why was my item rejected?***

Derichebourg must either recover the refrigerant or confirm that it was properly recovered prior to accepting the item. If the item no longer contains refrigerant and Derichebourg cannot confirm it was properly recovered, Derichebourg cannot accept the item.



Report violations of refrigerant releases at:  
[www.epa.gov/tips](http://www.epa.gov/tips)

# CÓMO RECICLO UN VEHÍCULO CON AIRE ACONDICIONADO O UN APARATO QUE USA REFRIGERANTE?

## NO CORTE LAS LÍNEAS DE REFRIGERANTE

Entregue electrodomésticos y vehículos con las líneas de refrigerante intactas.

Derichebourg recuperará el refrigerante de forma segura y legal.

-0-

Recupere correctamente el refrigerante antes de la entrega y de el nombre y la dirección de la persona o empresa que recuperó el refrigerante y la fecha en que se recuperó.

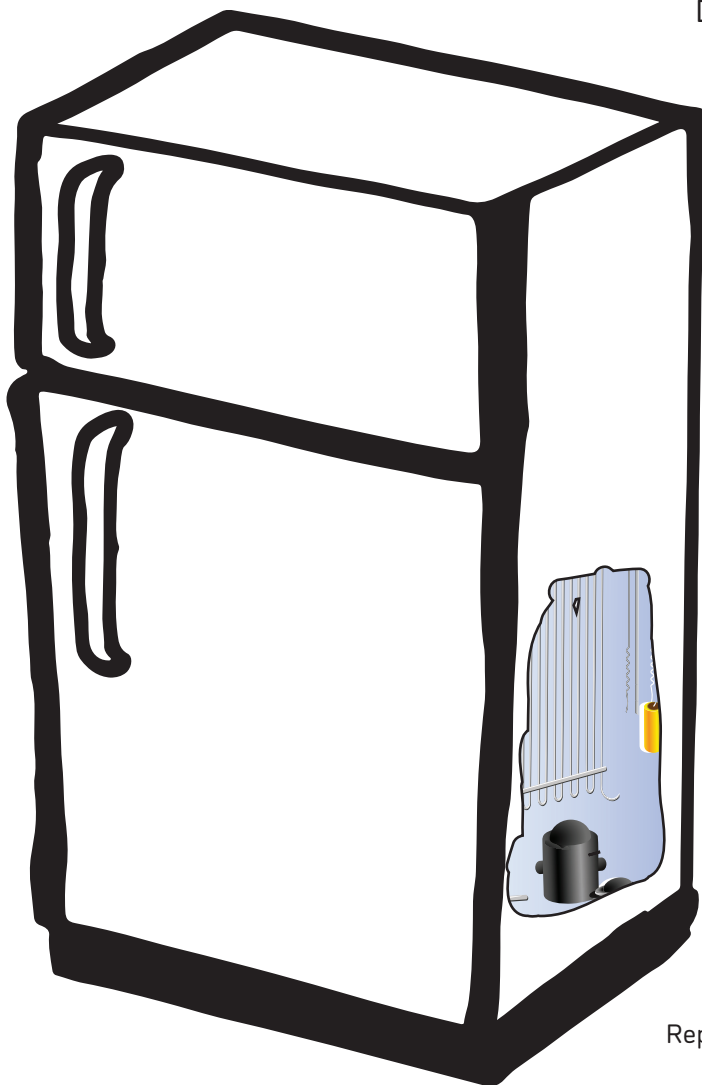
### ***Por qué se debe recuperar el refrigerante?***

Botando refrigerante al medio ambiente:

- Es ilegal
- Destruye la capa de ozono de la Tierra
- Contribuye al calentamiento global

### ***Por qué fue rechazado mi artículo?***

Derichebourg debe recuperar el refrigerante o confirmar que se recuperó correctamente antes de aceptar el artículo. Si el artículo ya no contiene refrigerante y Derichebourg no puede confirmar que se recuperó correctamente, Derichebourg no puede aceptar el artículo.



Reporte las infracciones de las emisiones de refrigerante a:  
[www.epa.gov/tips](http://www.epa.gov/tips)

**ATTACHMENT 10**

**FORM: POST-INSPECTION REFRIGERANT DISCOVERY FORM**



DERICHEBOURG RECYCLING USA  
7501 Wallisville Road - Houston, TX  
Phone: 713-675-2281  
Fax: 713-675-2285

## POST-INSPECTION REFRIGERANT DISCOVERY FORM

***To be completed when EPA-Regulated Scrap is discovered during scrap sorting and processing:***

DATE: \_\_\_\_\_ TIME: \_\_\_\_\_

### ***Supplier information:***

SUPPLIER UNKNOWN: ☐

SUPPLIER NAME: \_\_\_\_\_

LICENSE# / TRUCK #: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

CITY: \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_

R-12	QUANTITY	OTHER REFRIGERANTS OR UNKNOWN		
		Type of scrap	Refrigerant system intact	Refrigerant system incomplete
<b>CONTAINERS</b>				
CAN	<input type="checkbox"/> _____	Vehicle	<input type="checkbox"/>	<input type="checkbox"/>
CYLINDER	<input type="checkbox"/> _____	Appliance:		
		_____	<input type="checkbox"/>	<input type="checkbox"/>
<b>SCRAP</b>				
PRE-1994 VEHICLE	<input type="checkbox"/> _____	_____	<input type="checkbox"/>	<input type="checkbox"/>
OTHER _____	<input type="checkbox"/> _____	_____	<input type="checkbox"/>	<input type="checkbox"/>
OTHER _____	<input type="checkbox"/> _____	_____	<input type="checkbox"/>	<input type="checkbox"/>
		_____	<input type="checkbox"/>	<input type="checkbox"/>

Comments: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**ATTACHMENT 11**

**FORM: DAILY INCIDENT SUMMARY**



## DAILY INCIDENT SUMMARY

Month	Facility Name			
	Qualified Contract Supplier, Notice Sent <sup>1</sup>		Non-Qualified Contract Suppliers	
Day of the Month	Unexpected refrigerants identified	Scrap suspected of venting identified	Signed Refrigerant Removal Certification <sup>2</sup>	Rejected regulated scrap, Notice provided <sup>3</sup>
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				
11				
12				
13				
14				
15				
16				
17				
18				
19				
20				
21				
22				
23				
24				
25				
26				
27				
28				
29				
30				
31				

**NOTES:**

<sup>1</sup> Send reminder notice of requirement for all refrigerants to be removed from regulated scrap prior to delivery to DRU.

<sup>2</sup> Use "Aggendum A" certification form

<sup>3</sup> Seller must be provided "Appendix C" Notice by either Scale Operator or Inspector.

## **ATTACHMENT 12**

### **REFRIGERANT RECOVERY EQUIPMENT**

# RecoverXLT2-AP™ Refrigerant Recovery System



# YELLOW JACKET®




## Designed to Meet Safety Requirements for R-32, R-1234yf and R-1234ze

The drive to lower global warming potential refrigerants with increased flammability has necessitated the evolution of the market leading YELLOW JACKET® RecoverXLT™ recovery machine: The new RecoverXLT2-AP™ Refrigerant Recovery Machine with twin cylinder 1/2 hp oil less compressor and gravity drain condenser. The unique “ambient pressure switch” and three meter power cord comply with the current safety requirements. The RecoverXLT2-AP is specifically designed for the new lower GWP refrigerants including R-32, R-1234yf and R1234ze as well as the most common CFC, HFC and HFO refrigerants, including R-22, R-404A, R-407, R-410A, R-448A and R-449A.

Set yourself up to work smart. Surround yourself with the hardest working, highest performing tools available. The YELLOW JACKET RecoverXLT2-AP and other YELLOW JACKET service tools for the HVAC/R service professional.

## Features

- 1/2 hp, twin cylinder, oil-less compressor for fast recovery of Class III, IV and V refrigerants including R-32, R-1234yf and R-1234ze.
- Safe venting of case interior prior to start up.
- Low pressure switch stops recovery above ambient pressure for leaking systems to prevent pulling air into recovery cylinders.
- Low pressure bypass for recovery of leak-free systems. Patented single valve control for easy changeover from liquid to vapor to purge.
- Auto purge clears residual refrigerant for quick change from one refrigerant to another.
- Condenser with gravity drain keeps recovery tank up to 10° cooler for reliable operation in high ambient conditions.
- Lightweight case designed for easy carrying.
- One year warranty.
- Designed and manufactured in the U.S.A. 

## Specifications:

Capabilities:	Vapor, liquid, push/pull
Refrigerants:	R-32, R-1234yf, R-1234ze as well as the most common CFC, HFC and HFO refrigerants, including R-22, R-404A, R-407, R-410A, R-448A and R-449A
Compressor:	½ hp, twin cylinder, reciprocating, oil-less
Power Source:	230V - 50/60 Hz
Amps:	4.0
High Pressure Shut-Off:	517 psig/35 bar – auto reset
Operating Temperature:	40° to 122° F (4° to 50° C)
Weight:	14.5 kg/32 lbs.
Dimensions:	19.3(w) x 12.4 (h) x 12.5 (d) in. 490 (w) x 315 (h) x 317 (d) mm

Calculated Recovery Ratings						
	Kg./min			Kg./hour		
	Vapor	Push/Pull	Liquid	Vapor	Push/Pull	Liquid
R-22	0.17	4.16	3.10	10	250	186
R-32	0.11	3.41	2.53	7	205	152
R-134a	0.20	4.20	3.14	12	252	188
R-404A	0.30	3.66	2.73	18	220	164
R-410A	0.18	3.7	2.77	11	222	166
R-1234yf	0.17	3.83	2.86	10	230	171
R-407C	0.18	3.99	2.98	11	240	179

UPC #	Description
95764	RecoverXLT2-AP™ Refrigerant Recovery System 230V/50-60 Hz (Euro, UK, NZ and Australian plug)

Ritchie Engineering Co., Inc.  
YELLOW JACKET Products Division  
10950 Hampshire Avenue South  
Bloomington, MN 55438-2623 USA  
Phone: (800)769-8370 or (952)943-1333  
e-mail: [custserv@yellowjacket.com](mailto:custserv@yellowjacket.com)  
[www.yellowjacket.com](http://www.yellowjacket.com)



P/N 10140



ENVIRONMENTAL PROTECTION AGENCY  
REFRIGERANT RECOVERY OR RECYCLING DEVICE  
ACQUISITION CERTIFICATION FORM

EPA regulations require establishments that service or dispose of refrigeration or air-conditioning equipment to certify that they have acquired recovery or recycling devices that meet EPA standards for such devices. To certify that you have acquired equipment, please complete this form according to the instructions and mail it to the appropriate EPA Regional Office. BOTH THE INSTRUCTIONS AND MAILING ADDRESSES CAN BE FOUND ON THE REVERSE SIDE OF THIS FORM.

PART 1: ESTABLISHMENT INFORMATION

Name of Establishment

Derichebourg recycling usa

Street

7501 wallisville rd

(Area Code) Telephone Number

7136752281

City

State

Zip Code

houston

tx

77020

Number of Service Equipment Based at Establishment

Country

usa

PART 2: REGULATORY CLASSIFICATION

Identify the type of work performed by the establishment. Check all boxes that apply.

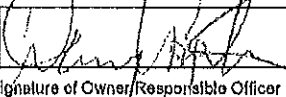
- ☐ Type A - Service small appliances  
☐ Type B - Service refrigeration or air-conditioning equipment other than small appliances  
☒ Type C - Dispose of small appliances  
☒ Type D - Dispose of refrigeration or air-conditioning equipment other than small appliances

PART 3: DEVICE IDENTIFICATION

	Name of Device(s) Manufacturer	Model Number	Year	Serial Number (if any)	Check Box if Self-Contained
1.	yellow jacket XLT2-AP	95762	2019	19320029	<input type="checkbox"/>
2.	yellow jacket XLT2-AP	95762	2020	20140018	<input type="checkbox"/>
3.	yellow jacket XLT2-AP	95762	2019	19380024	<input type="checkbox"/>
4.	yellow jacket XLT2-AP	95762	2019	19340118	<input type="checkbox"/>
5.	yellow jacket XLT2-AP	95762	2020	20140002	<input type="checkbox"/>

PART 4: CERTIFICATION SIGNATURE

I certify that the establishment in Part 1 has acquired the refrigerant recovery or recycling device(s) listed in Part 2, that the establishment is complying with Section 608 regulations, and that the information given is true and correct.

 11/13/20 danny caperton operation mgr  
Signature of Owner/Responsible Officer Date Name (Please Print) Title



ENVIRONMENTAL PROTECTION AGENCY  
REFRIGERANT RECOVERY OR RECYCLING DEVICE  
ACQUISITION CERTIFICATION FORM

EPA regulations require establishments that service or dispose of refrigeration or air-conditioning equipment to certify that they have acquired recovery or recycling devices that meet EPA standards for such devices. To certify that you have acquired equipment, please complete this form according to the instructions and mail it to the appropriate EPA Regional Office. BOTH THE INSTRUCTIONS AND MAILING ADDRESSES CAN BE FOUND ON THE REVERSE SIDE OF THIS FORM.

PART 1: ESTABLISHMENT INFORMATION

Name of Establishment

Derichebourg recycling usa

Street

7501 wallisville rd

(Area Code) Telephone Number

7136752281

City

State

Zip Code

houston

tx

77020

Number of Service Equipment Based at Establishment

Country

usa

PART 2: REGULATORY CLASSIFICATION

Identify the type of work performed by the establishment. Check all boxes that apply.

- ☐ Type A - Service small appliances  
☐ Type B - Service refrigeration or air-conditioning equipment other than small appliances  
☒ Type C - Dispose of small appliances  
☒ Type D - Dispose of refrigeration or air-conditioning equipment other than small appliances

PART 3: DEVICE IDENTIFICATION

	Name of Device(s) Manufacturer	Model Number	Year	Serial Number (if any)	Check Box if Self-Contained
1.	yellow jacket XLT2-AP	95762	2020	20140004	<input type="checkbox"/>
2.	yellow jacket XLT2-AP	95762	2019	19380010	<input type="checkbox"/>
3.	yellow jacket XLT2-AP	95762	2020	20140001	<input type="checkbox"/>
4.	yellow jacket XLT2-AP	95762	2020	20390083	<input type="checkbox"/>
5.	yellow jacket XLT2-AP	95762	2020	20390084	<input type="checkbox"/>

PART 4: CERTIFICATION SIGNATURE

I certify that the establishment in Part 1 has acquired the refrigerant recovery or recycling device(s) listed in Part 2, that the establishment is complying with Section 608 regulations, and that the information given is true and correct.

11/16/20

Danny caperton

operation mgr

Signature of Owner/Responsible Officer

Date

Name (Please Print)

Title

# REFRIGERANT REMOVAL VERIFICATION STATEMENT

(Prescribing Authority: 40 CFR 82.156(f)(2) & DoD 4160.21-M)

THE REFRIGERANT HAS BEEN REMOVED FROM THE ITEM(S) LISTED BELOW, IN COMPLIANCE WITH THE CLEAN AIR ACT AMENDMENTS OF 1990, SECTION 608, AND U.S. EPA REGULATIONS AT 40 CFR 82.156

Technician Who Removed Refrigerant	Street Address	City	State	Zip Code	Date Removed	Item Description*	Item Qty

DTID #  
(Enter one only)

Total Item Qty

Printed Name of Person Turning-In Appliance(s)

Signature of Person Turning-In Appliance(s)

\*Common item names may be used for "Item Description". Serial numbers or other specific descriptions may be included in the item description, but are not required. As long as the DTID number is permanently marked on each item, a single form similar to the one above will suffice.

NOTE: Retain copy of certificate for 3 years with the DTID from the date of receipt.